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EXECUTIVE ORDER 11593

Protection and Enhancement of the Cultural Environment

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 et seq.), and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 et seq.), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory

involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

SEC. 3. *Responsibilities of the Secretary of the Interior.* The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic,

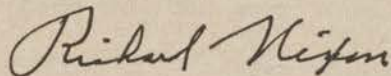
architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(c) of this order.



THE WHITE HOUSE,
May 13, 1971.

[FR Doc.71-6951 Filed 5-14-71;12:18 pm]

NOTE: For the text of a Presidential statement issued in connection with E.O. 11593 above, see Weekly Comp. of Pres. Docs., Vol. 7, issue of May 17, 1971.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 480]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.780 Lemon Regulation 480.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the

period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 11, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 16, 1971, through May 22, 1971, are hereby fixed as follows:

- (i) District 1: 1,000 cartons;
- (ii) District 2: 275,000 cartons;
- (iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 13, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6908 Filed 5-14-71;8:51 am]

PART 928—PAPAYAS GROWN IN HAWAII

Order Regulating Handling

Sec. 928.0 Findings and determinations.

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AUTHORITY: The provisions of this Part 928 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 928.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Hilo, Hawaii, September 21, 1970, and continued at Honolulu, Hawaii, on September 24, 1970, upon a proposed marketing agreement and a proposed marketing order regulating the handling of papayas grown in Hawaii. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of papayas grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of papayas grown in the production area which make necessary different terms and provisions applicable to different parts of such areas; and

(5) All handling of papayas grown in the production area, as defined in said order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this order effective upon publication in the FEDERAL REGISTER. The provisions of this order would authorize regulations to limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of papayas grown in the production area. As soon as practicable after such effective time, and prior to imposition of regulations, it will be necessary for the Secretary to select members and their alternates for the Papaya Administrative Committee, the agency charged with local administration of the program, and to initiate and complete various actions of both organizational and regulatory natures including the formulation and promulgation of rules and regulations to govern operations of the committee under the program. Shipments of papayas normally extend throughout the calendar year, shipments are currently being made, and the period of seasonally heavy shipments is imminent. Hence, for the program to be of maximum benefit the order should be made effective on the earliest practicable date. The provisions of the order are well known to handlers of papayas since the public hearing held in connection with the order was completed on September 24, 1970, and the recommended decision and the Secretary's decision were published in the FEDERAL REGISTER on January 28, 1971 (36 F.R. 1341), and April 1, 1971 (36 F.R. 5995), respectively. Copies of the regulatory provisions of this order were made available to all interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipments of papayas occur, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant thereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of fresh papayas grown in Hawaii, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the papayas covered by this order) who, during the period January 1, 1970, through December 31, 1970, handled not less than 50 percent of the volume of fresh papayas covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period January 1, 1970,

through December 31, 1970, were engaged, within the production area specified in this order, in the production of fresh papayas for market, such producers having also produced for market at least two-thirds of the volume of fresh papayas represented in such referendum.

It is, therefore ordered, That, on and after the effective date hereof, all handling of papayas grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 928.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may thereafter be delegated, to act in his stead.

§ 928.2 Act.

"Act" means public Act No. 10, 73^d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (46 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 928.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 928.4 Papayas.

"Papayas" means any and all varieties of papayas grown in the production area.

§ 928.5 Production area.

"Production area" means the State of Hawaii.

§ 928.6 Fiscal year.

"Fiscal year" means the 12-month period beginning January 1 of each year, or such other period that may be approved by the Secretary pursuant to a recommendation by the committee: *Provided*, That the initial fiscal year shall begin on the effective date of this part.

§ 928.7 Committee.

"Committee" means the Papaya Administrative Committee established pursuant to § 928.20.

§ 928.8 Grower.

"Grower" is synonymous with "producer" and means any person who produces papayas for market, and who has a proprietary interest therein.

§ 928.9 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting papayas owned by another person) who handles papayas in fresh form or causes papayas to be handled.

§ 928.10 Handle.

"Handle" or "ship" are synonymous and mean to sell, consign, deliver, or

transport papayas or cause papayas to be sold, consigned, delivered, or transported within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include: (a) The sale of papayas on the tree; (b) the transportation of papayas from the location where grown to a packinghouse within the production area for the purpose or having such papayas prepared for market; or (c) the sale of papayas at retail by a person in his capacity as a retailer.

§ 928.11 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 928.31(n):

(a) District 1 shall include the island of Hawaii.

(b) District 2 shall include the county of Maui which consists of the islands of Maui, Molokai, Lanai, and Kahoolawe, and Kalawao County.

(c) District 3 shall include the county of Kauai which consists of the islands of Kauai and Niihau.

(d) District 4 shall include the county of Honolulu which includes all of the island of Oahu.

§ 928.12 Export.

"Export" means to ship papayas to any point outside the State of Hawaii.

ADMINISTRATIVE BODY

§ 928.20 Establishment and membership.

There is hereby established a Papaya Administrative Committee consisting of thirteen (13) members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Ten (10) of the members and their respective alternates shall be growers and are referred to as "growers" members of the committee. Seven of the ten grower members and their respective alternates shall be producers of papayas in District 1, one grower member and his alternate shall be producers of papayas in District 2, one grower member and his alternate shall be producers of papayas in District 3, and one grower member and his alternate shall be producers of papayas in District 4. No grower organization shall be permitted to have more than three (3) members on the committee. The three (3) handler members and their respective alternates shall be selected from the production area at large. No handler organization shall be permitted to have more than (1) handler member on the committee.

§ 928.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning January 1 and ending on the second succeeding December 31 or such other dates as the Secretary may establish pursuant to a recommendation of the committee: *Provided*, That the term of office of the initial members and their alternates

shall end December 31, 1972. Members and alternates members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 928.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nomination may be made by means of a meeting of handlers, and group meetings of growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for the initial members are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selection shall be on the basis of the representation provided for in § 928.23.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than November 15 of each even numbered year, separate meetings of growers in each district and a meeting of handlers for the purpose of designating nominees for successor members and alternate member of the committee, which shall be publicized and open to all growers and handlers. At each grower meeting, a chairman and a secretary shall be selected by growers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary. At each handler meeting, a chairman and a secretary may be selected by the handlers eligible to participate therein. If a chairman is elected he shall announce the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a report concerning such meeting. If a chairman is not elected some person shall be designated to file a report with the committee concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces papayas. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as

a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote, which vote shall be weighted by the volume of papayas handled by such handler during the then current fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

§ 928.23 Selection.

(a) *Initial members.* From the nominations made pursuant to § 928.22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in § 928.20.

(b) *Successor members.* From the nominations made pursuant to § 928.22, or from other qualified persons, the Secretary shall select the 10 grower members of the committee, the three handler members of the committee, and an alternate for each such member.

§ 928.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 928.22 the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 928.20.

§ 928.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 928.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 928.22 and 928.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 928.20.

§ 928.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other

duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 928.30 Powers.

The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

§ 928.31 Duties.

The committee shall have, among others, the following duties:

- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers; and to select sub-committees, advisory committees or other committees and define the duties of each;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties and procedures of each;
- (c) To submit to the Secretary prior to each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;
- (d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;
- (e) To prepare a statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;
- (f) To require adequate fidelity bonds for all persons handling funds;
- (g) To cause its books to be audited by a competent public accountant at least once each fiscal year, and at such other times as the Secretary may request;
- (h) To act as intermediary between the Secretary and any grower or handler;
- (i) To provide an adequate system for estimating the total season crop of papayas and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;
- (j) To investigate the growing, handling, and marketing conditions with respect to papayas, and to assemble data in connection therewith;
- (k) To engage in such research relating to the determination of maturity and grade standards for papayas as may be approved by the Secretary;

(l) To submit to the Secretary such available information, including verified reports, as he may request;

(m) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(n) To investigate compliance with the provisions of this part; and

(o) With the approval of the Secretary to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in papaya production within the districts and the production area.

§ 928.32 Procedure.

(a) A majority of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require at least seven concurring votes;

(b) The committee may vote by telegraph, telephone, or other means of communication, and any vote so cast shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(c) All meetings of the committee held for the purpose of formulating a marketing policy, for formulating recommendations for regulations, or for consideration of matters pertaining to production research, marketing research and development projects, including paid advertising shall be open to the growers and handlers. The committee shall give notice to each grower and handler who has requested such notice and has filed his name and address with the committee.

§ 928.33 Expenses and compensation.

The members of the committee and alternates when acting as members, or when requested by the committee to attend a committee meeting or to perform another committee function, may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part.

§ 928.34 Annual report.

The committee may, as soon as practicable after the end of the fiscal year, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the papaya industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 928.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part

during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 928.41.

§ 928.41 Assessments.

(a) Each person who first handles papayas shall, with respect to the papayas so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of papayas handled by him as the first handler thereof during the applicable fiscal year and the total quantity of papayas so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such expenses shall be applied to all papayas handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal year before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose. If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee, with the approval of the Secretary.

§ 928.42 Accounting.

(a) If, at the end of a fiscal year the assessments collected are in excess of expenses incurred, such expenses shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands payment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of this pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years, an operating monetary reserve in an amount not to exceed approximately 1 fiscal year's operational expense. Upon approval by the Secretary, funds in such

reserve shall be available for use by the committee for all expenses pursuant to § 928.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

RESEARCH

§ 928.45 Production research, marketing research and development.

(a) The committee, with the approval of the Secretary may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the production, marketing, distribution, and consumption of papayas. Such projects may provide for any form of marketing promotion including paid advertising. The expense of such projects shall be paid by funds collected pursuant to § 928.41.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of papayas in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The need for production or marketing research with respect to any production or marketing development activity.

(c) If the committee should conclude that a program of production or marketing research or development should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any production research or marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

REGULATION

§ 928.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 928.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of papayas within the production area;

(2) The estimated utilization of the crop, showing the quantity and percentages of the crop expected to be marketed through fresh fruit channels within the State of Hawaii, within the continent of North America, and within the balance of the markets of the world; and showing the quantity and percent of the crop expected to be marketed through byproduct channels, together with quantities otherwise to be disposed of;

(3) Available supplies of competitive papayas in all producing areas of the United States and other competitive producing areas;

(4) Trend and level of consumer income;

(5) Other factors having a bearing on the marketing of papayas; and

(6) The type of regulations expected to be recommended during the season.

(b) In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this section. The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers. The committee shall announce the contents of each marketing policy report, including each revised marketing policy report.

§ 928.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of papayas in the manner provided in § 928.52 it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for papayas during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 928.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of papayas whenever he finds, from the recommendations and information submitted by the committee, or from

other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of papayas grown in the production area;

(2) Limit the shipment of papayas by establishing, in term of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of papayas;

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of papayas which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof, to growers and handlers.

§ 928.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 928.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of papayas in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 928.54 Special purpose and minimum quantity shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 928.41, 928.52, 928.53 and 928.55, and the regulations issued thereunder, handle papayas

(1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ 928.41, 928.52, 928.53, and 928.55, the handling of papayas in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 928.45) as the committee, with the approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to assure compliance with this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle papayas pursuant to this section, and that such application be accompanied by certification by the intended purchaser or receiver that the papayas will not be used for any purpose not authorized by this section.

§ 928.55 Inspection and certification.

(a) Whenever the handling of any variety of papayas is regulated pursuant to § 928.52 or § 928.53, each handler who handles papayas shall, prior thereto, cause such papayas to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for papayas which previously have been so inspected and certified only if such papayas have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit or cause to be submitted to the committee a copy of the certificate of inspection issued with respect to such papayas.

(b) The committee may enter into an agreement with the inspection agency with respect to the costs of inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 928.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports of papayas received and disposed of and such other information as may be necessary for the committee to perform its duties under this part.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least 2 succeeding fiscal years such records of the papayas received and of papayas disposed of by such handler as may be necessary to verify reports pursuant to this section.

(d) Verification of reports: For the purpose of assuring compliance and checking and verifying the reports filed

by handlers, the Secretary and the Committee, through its duly authorized agents, shall have access to any fumises where applicable records are maintained, where papayas are handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers' premises and any and all records of such handlers with respect to matters within the purview of this part.

MISCELLANEOUS PROVISIONS

§ 928.61 Compliance.

Except as provided in this part, no person shall handle papayas, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle papayas except in conformity with the provisions and the regulations issued under this part.

§ 928.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 928.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 928.64.

§ 928.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds by a referendum or otherwise that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of papayas for market: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of papayas produced in the production area; but such termination shall be effective only if announced on or before December 15 of the then current fiscal year.

(d) Upon recommendation of the committee, received not later than October 1 of an even-numbered year, the Secretary shall conduct a referendum

prior to December 1 of such year to ascertain whether continuance of this part is favored by the growers.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 928.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 928.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any violation.

§ 928.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 928.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 928.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to

be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 928.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 928.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D.C., this 12th day of May 1971, to become effective upon publication in the FEDERAL REGISTER (5-15-71).

RICHARD E. LYNCH,
Assistant Secretary.

[FR Doc.71-6834 Filed 5-14-71;8:50 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Dry Edible Bean Loan and Purchase Program

Correction

In F.R. Doc. 71-6177 appearing at page 8291 in the issue of Tuesday, May 4, 1971, the basic county support rate for "Area V—Washington" reading "5.67" under § 1421.143(a) should read "5.97".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-558]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of

February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (7) relating to the State of North Carolina, subdivision (v) relating to Duplin County is deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Duplin County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from non-quarantined areas contained in said Part 76 will apply to the excluded area. No areas in Duplin County, N.C., remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-6835 Filed 5-14-71; 8:50 am]

[Docket No. 71-559]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of

February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (7) relating to the State of North Carolina, subdivision (v) relating to Greene County is deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Greene County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from non-quarantined areas contained in said Part 76 will apply to the excluded area.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 11th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-6836 Filed 5-14-71; 8:51 am]

[Docket No. 71-560]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of

September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (7) relating to the State of North Carolina, a new subdivision (ix) relating to Bladen and Pender Counties is added to read:

(7) North Carolina. * * *

(ix) The adjacent portions of Bladen and Pender Counties bounded by a line beginning at the junction of State Highway 53 and Secondary Road 1539 in Bladen County; thence, following State Highway 53 in an easterly direction to State Highway 210; thence, following State Highway 210 in a generally northerly direction to Secondary Road 1550; thence, following Secondary Road 1550 in a southeasterly direction to the Black River; thence, following the west bank of the Black River in a generally southeasterly direction to State Highway 210 in Pender County; thence, following State Highway 210 in a southwesterly direction to Secondary Road 1103; thence, following Secondary Road 1103 in a southeasterly direction to Secondary Road 1104; thence, following Secondary Road 1104 in a southwesterly, then northwesterly direction to Secondary Road 1105; thence, following Secondary Road 1105 in a southwesterly direction to Secondary Road 1539 in Bladen County; thence, following Secondary Road 1539 in a northwesterly direction to its junction with State Highway 53.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Bladen and Pender Counties in North Carolina, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making

it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-6837 Filed 5-14-71;8:51 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[22d Gen. Rev. of the Export Regs.,
Amdt. 22]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 371, 374, and 376 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: May 7, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 371—GENERAL LICENSES

1. In § 371.9 the introductory text of paragraph (a)(1) and paragraph (b)(1) and (3) are amended to read as follows:

§ 371.9 General license ship stores.

(a) Scope. * * *

(1) The commodities listed below may be exported, subject to the conditions set forth in paragraph (b) of this section, for use or consumption on board a vessel of any registry, during the outgoing and immediate return voyage, except a vessel registered in, owned or controlled by, or under charter or lease to North Vietnam, North Korea, or Cuba or a national of any of these countries.

(b) *Restrictions on petroleum and petroleum products*—(1) *North Vietnam and North Korea*. No export of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (4) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (i) has called at a port under the control of North Vietnam or North Korea during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (ii) will call at a port under the control of North Vietnam or North Korea within 120 days after the date on which such commodities are laden aboard the vessel; (iii) will carry within the next

120 days any commodities known by the owner, master, or agent to be destined, directly or indirectly, to these ports, unless the commodities are covered by an export license issued by an agency of the U.S. Government; or (iv) meets the registry restrictions in subparagraph (3) of this paragraph.

(3) *Registry restrictions*. No export of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (4) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States, for use on board such vessel, if the vessel is registered in, owned or controlled by, or under charter or lease to North Vietnam or North Korea or a national of these countries. No such export may be made on a foreign vessel, regardless of tonnage, if the vessel is registered in, owned or controlled by, or under charter or lease to a Cuban national.

2. In § 371.10 the introductory text of paragraph (a)(1) and paragraph (b) are amended to read as follows:

§ 371.10 General license plane stores.

(a) Scope. * * *

(1) The following commodities may be exported subject to the conditions set forth in paragraph (b) of this section, for use or consumption on board an aircraft of any registry, during the outgoing and immediate return flight, except an aircraft registered in, owned or controlled by, or under charter or lease to North Vietnam or North Korea or a national of these countries.

(b) *Restrictions on petroleum and petroleum products for use on aircraft*. No export of petroleum or petroleum products (including those used as fuel) listed in § 371.9(b)(4) may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft, if the aircraft (1) has called at any point under the control of North Vietnam or North Korea during the 30 days immediately preceding the date on which such commodities are to be taken aboard the aircraft, (2) will call at any point under the control of North Vietnam or North Korea control within 30 days after the date such commodities are laden aboard the aircraft, (3) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to any point under the control of North Vietnam or North Korea, unless the commodities so carried are covered by an export license issued by an agency of the U.S. Government, or (4) is registered in, owned or controlled by, or under charter or lease to North Vietnam or North Korea or a national of these countries.

PART 374—REEXPORTS

3. In § 374.2, paragraph (a) is amended to read as follows:

§ 374.2 Permissive reexports.

(a) Reexports of any commodity that at the time of reexport:

(1) May be exported directly from the United States to the new country of destination under General License G-DEST or GTE;

(2) Are valued at an amount that does not exceed the GLV value on the Commodity Control List for the new country of destination; or

(3) May be supplied under General License Ship Stores or Plane Stores to a vessel or aircraft under the same registry, ownership, control, lease, or charter when such carrier is departing from a U.S. port; except that the equipment and spare parts described in §§ 371.9(a)(2) and 371.10(a)(2) of this subchapter may not be included in such reexport.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

4. In § 376.9(c), subparagraph (4) is amended to read as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

(c) *Exports of petroleum and petroleum products, including bunker fuel, for use on vessels and aircraft departing from the United States.* * * *

(4) *Commodity description and ports of call*—(i) *Ports visited*. In addition to a description of the commodities to be exported, list for each of the carrier's calls at any point under the control of North Vietnam or North Korea within 180 days prior to the date of application (or 30 days in the case of aircraft), the dates of each call, and a statement, or a copy of the manifest, showing the cargo loaded or discharged. (If the carrier was in ballast, so state.)

(ii) *Proposed ports of call*. Also submit the carrier's proposed calls at any point under the control of North Vietnam or North Korea for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States. If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to future destinations and areas of operation shall be submitted. If the carrier (a) will call at a point under the control of North Vietnam or North Korea within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or (b) is registered in North Vietnam, North Korea, or Cuba, or (c) is under charter to, or under control of, a national of a state whether any commodities identified by

the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), included on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this subchapter), or subject to the Atomic Energy Act (§ 370.10(e) of this subchapter) are carried on board the vessel or aircraft and destined directly or indirectly to any point under the control of North Vietnam or North Korea. If the answer is in the affirmative, indicate where such commodities will be discharged.

[FR Doc. 71-6805 Filed 5-14-71; 8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5147, 34-9164, 35-17121, 39-293, IC-6512, IAA-285]

PART 201—RULES OF PRACTICE

Suspension or Disbarment From Appearance or Practice Before the Commission

The Securities and Exchange Commission has amended Rule 2(e) of the Commission's rules of practice, 17 CFR 201.2 (e), to provide for the suspension from appearing or practicing before it of any attorney, accountant, engineer, or other professional or expert who by name (1) has been permanently enjoined by any court of competent jurisdiction by reason of his misconduct in an action brought by the Commission from violating or aiding and abetting the violation of any provision of the federal securities laws (15 U.S.C. secs. 77a to 80b-20) or the rules and regulations adopted by the Commission thereunder, or (2) has been found by any court of competent jurisdiction in an action brought by the Commission to which he is a party, or by this Commission in any administrative proceeding to which such person is a party, to have violated or to have aided and abetted the violation of any such provision, rule or regulation, unless the violation was expressly found not to have been willful. Under the amendment, a temporary suspension effected by order of the Commission will become permanent after 30 days unless a petition to lift the suspension is filed within that time; when a petition is filed, the Commission may lift the suspension or, after prompt opportunity for hearing, may censure the petitioner or may temporarily or permanently suspend him from appearing or practicing before the Commission. In any hearing that may be conducted, after the Commission's staff has demonstrated that an injunction has been entered or findings have been made, which make the amendment applicable, the burden will be upon the petitioner to show cause why he should not be censured or tem-

porarily or permanently disqualified, and he will not be permitted to litigate factual questions that he litigated or, but for his consent, might have litigated in the earlier judicial or administrative proceeding. Moreover, a person will be presumed to have been enjoined by reason of misconduct alleged in the complaint where he has consented to entry of an injunction without making any admission.

In Securities Act Release No. 5088¹ the Commission gave notice that it had under consideration a proposal to amend Rule 2(e) to restrict practice before the Commission by persons found to have violated or to have participated in violations of the securities laws and by persons who have been permanently enjoined from violating the securities laws, whether or not a finding of past violation has been made; public comment on the proposal was invited.² After review of the comments received and after reconsideration of the question when and how suspension of professionals and experts should be effected, the Commission has decided to adopt the amendment in a form somewhat different from that originally proposed.

As noted above, under the amendment adopted today a permanent injunction against securities-laws violations or a finding of securities-laws violations will provide a basis upon which the Commission may initiate proceedings to censure or temporarily or permanently disqualify an attorney, accountant, engineer, or other professional or expert from appearing and practicing before the Commission. For this purpose no distinction will be made between injunctions and findings which have been contested and those which have been entered upon consent. Consequently, it will be incumbent upon any person who may be affected by the amended Rule who does not wish to waive a hearing on the question of misconduct to avail himself of the opportunity for hearing provided in the action or proceeding in which a securities-laws injunction has been sought or in which securities-laws violations have for other purposes been alleged; the Commission will afford a hearing only to consider mitigating or other factors why neither

censure nor temporary or permanent disqualification should be imposed.

The rule applies only to attorneys, accountants, engineers, and other professionals or experts who are "by name" enjoined or the subject of a finding and not to partnerships (or corporations) of which they might be members, although a firm may itself be enjoined "by name" and thus come within the terms of the rule. Partners of a disqualified individual may not permit such person to participate to any extent in matters coming before the Commission, to participate in profits from their Commission business or to hold himself out as entitled to practice before the Commission. Partners and associates of a disqualified firm, of course, may not practice before the Commission so long as they remain members of or associated with the firm.

The amendment also adds a new subparagraph (4) to Rule 2(e), relating to applications for reinstatement. The provisions formerly contained in subparagraph (2) (ii), which afford a hearing to persons suspended by operation of what is now subparagraph (2) (formerly subparagraph (2) (i)), have in a slightly modified form, been joined with a new provision relating to applications with respect to suspensions under subparagraph (1) and new subparagraph (3), which permits a hearing before the Commission on the question of reinstatement only in the Commission's discretion.

The overall purpose of the new amendment is to prevent situations in which the investing public places its trust in, or reliance upon, attorneys, accountants, engineers, and other professionals or experts who have demonstrated an unwillingness or inability to comply with the requirements of the Federal securities laws, while assuring that such professionals and experts will have a fair opportunity to show why the interests of the investing public will not materially be jeopardized if they are permitted to continue to appear and practice before the Commission.

The new amendments are contained in subparagraphs designated (3), (4), and (7) of Rule 2(e); the subparagraphs of the Rule that were previously designated as subparagraphs (3) and (4) have been renumbered as subparagraphs (5) and (6).

Commission action. Pursuant to authority contained in section 19(a) of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20 of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 of the Investment Company Act of 1940 and section 211 of the Investment Advisers Act of 1940, the Securities and Exchange Commission hereby amends paragraph (e) of § 201.2 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below:

§ 201.2 Appearance and practice before the Commission.

(e) *Suspension and disbarment.* (1) The Commission may deny, temporarily

¹ Issued also as Securities Exchange Act Release No. 8983, Public Utility Holding Company Act Release No. 16836, Trust Indenture Act Release No. 280, Investment Company Act Release No. 6192, and Investment Advisers Act Release No. 273 (35 F.R. 15440, Oct. 3, 1970).

² In addition to giving notice of these further amendments, in Securities Act Release No. 5088 the Commission also amended Rule 2(e) to provide for the automatic suspension from appearance or practice before the Commission of any person who (1) has had his license to practice suspended or revoked by any State, Territory, District, Commonwealth, or Possession or (2) has been convicted of any felony, or misdemeanor involving moral turpitude, or (3) has been suspended or disbarred by a court of the United States or in any State, Territory, District, Commonwealth, or Possession.

or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the Commission after notice of and opportunity for hearing in the matter (i) not to possess the requisite qualifications to represent others, or (ii) to be lacking in character or integrity or to have engaged in unethical or improper professional conduct, or (iii) to have willfully violated, or willfully aided and abetted the violation of any provision of the Federal securities laws (15 U.S.C. secs. 77a to 80b-20), or the rules and regulations thereunder.

(2) Any attorney who has been suspended or disbarred by a Court of the United States or in any State, Territory, District, Commonwealth, or Possession, or any person whose license to practice as an accountant, engineer or other expert has been revoked or suspended in any State, Territory, District, Commonwealth, or Possession, or any person who has been convicted of a felony, or of a misdemeanor involving moral turpitude, shall be forthwith suspended from appearing or practicing before the Commission. A disbarment, suspension, revocation or conviction within the meaning of this subparagraph (2) shall be deemed to have occurred when the disbarment, suspending, revoking or convicting agency or tribunal enters its judgment or order, regardless of whether appeal is pending or could be taken, and includes a judgment or order on a plea of nolo contendere.

(3) (i) The Commission, with due regard to the public interest and without preliminary hearing, may by order temporarily suspend from appearing or practicing before it any attorney, accountant, engineer, or other professional or expert who, on or after July 1, 1971, has been by name:

(a) Permanently enjoined by any court of competent jurisdiction by reason of his misconduct in an action brought by the Commission from violation of aiding and abetting the violation of any provision of the Federal securities laws (15 U.S.C. secs. 77a to 80b-20) or of the rules and regulations thereunder; or

(b) Found by any court of competent jurisdiction in an action brought by the Commission to which he is a party or found by this Commission in any administrative proceeding to which he is a party to have violated or aided and abetted the violation of any provision of the Federal securities laws (15 U.S.C. secs. 77a to 80b-20) or of the rules and regulations thereunder (unless the violation was found not to have been willful).

An order of temporary suspension shall become effective when served by certified or registered mail directed to the last known business or residence address of the person involved. No order of temporary suspension shall be entered by the Commission pursuant to this subdivision (i) more than three months after the final judgment or order entered

in a judicial or administrative proceeding described in (a) or (b) of this subdivision (i) has become effective upon completion of review or appeal procedures or because further review or appeal procedures are no longer available.

(ii) Any person temporarily suspended from appearing and practicing before the Commission in accordance with subdivision (i) of this subparagraph (3) may, within thirty days after service upon him of the order of temporary suspension, petition the Commission to lift the temporary suspension. If no petition has been received by the Commission within 30 days after service of the order by mail the suspension shall become permanent.

(iii) Within 30 days after the filing of a petition in accordance with subdivision (ii) of this subparagraph (3), the Commission shall either lift the temporary suspension or set the matter down for hearing at a time and place to be designated by the Commission or both, and after opportunity for hearing, may censure the petitioner or may disqualify the petitioner from appearing or practicing before the Commission for a period of time or permanently. In every case in which the temporary suspension has not been lifted, every hearing held and other action taken pursuant to this subparagraph (3) shall be expedited in every way consistent with the Commission's other responsibilities.

(iv) In any hearing held on a petition filed in accordance with subdivision (ii) of this subparagraph (3), the staff of the Commission shall show either that the petitioner has been enjoined as described in subdivision (i) (a) of this subparagraph or that the petitioner has been found to have committed or aided and abetted violations as described in subdivision (i) (b) of this subparagraph and that showing, without more, may be the basis for censure or disqualification; that showing having been made, the burden shall be upon the petitioner to show cause why he should not be censured or temporarily or permanently disqualified from appearing and practicing before the Commission. In any such hearing the petitioner shall not be heard to contest any findings made against him or facts admitted by him in the judicial or administrative proceeding upon which the proceeding under this subparagraph (3) is predicated, as provided in subdivision (i) of this subparagraph. A person who has consented to the entry of a permanent injunction as described in subdivision (i) (a) of this subparagraph (3) without admitting the facts set forth in the complaint shall be presumed for all purposes under this subparagraph (3) to have been enjoined by reason of the misconduct alleged in the complaint.

(4) (i) An application for reinstatement of a person permanently suspended or disqualified under subparagraph (1) or (3) of this paragraph (e) may be made at any time, and the applicant may, in the Commission's discretion, be af-

forded a hearing; however, the suspension or disqualification shall continue unless and until the applicant has been reinstated by the Commission for good cause shown.

(ii) Any person suspended under subparagraph (2) of this paragraph (e) shall be reinstated by the Commission, upon appropriate application, if all the grounds for application of the provisions of that subparagraph are subsequently removed by a reversal of the conviction or termination of the suspension, disbarment or revocation. An application for reinstatement on any other grounds by any person suspended under subparagraph (2) of this paragraph (e) may be filed at any time and the applicant shall be accorded an opportunity for a hearing in the matter; however, such suspension shall continue unless and until the applicant has been reinstated by order of the Commission for good cause shown.

(5) Any person appearing or practicing before the Commission who has been the subject of an order, judgment, decree, or finding as set forth above shall promptly file with the Secretary of the Commission a copy thereof (together with any related opinion or statement of the agency or tribunal involved). Failure to file any such paper shall not impair the operation of any other provision of this paragraph (e).

(6) Any proceeding brought under any of the above subparagraphs shall not preclude a proceeding under any other subparagraph.

(7) All hearings held under this paragraph (e) shall be nonpublic unless the Commission on its own motion or the request of a party otherwise directs.

The foregoing revision of Rule 2(e) of the Commission's rules of practice is adopted pursuant to section 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. section 78w(a), which provides in pertinent part that the Commission shall have "power to make such rules and regulations as may be necessary for the execution of the functions invested in [it] * * * by this title." Similar power to make and amend rules and regulations is contained in the other statutes administered by the Commission. See, section 19(a) of the Securities Act of 1933, 15 U.S.C. section 77s(a), section 38(a) of the Investment Company Act of 1940, 15 U.S.C. section 80a-37(a). The foregoing action shall be effective on July 1, 1971. (Sec. 19(a), 48 Stat. 85, sec. 209, 48 Stat. 908, 15 U.S.C. 77s; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b-11)

By the Commission, May 10, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71-6815 Filed 5-14-71; 8:49 am]

[Releases Nos. 33-5145, 34-9151]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Size of Type Used in Prospectuses and Other Documents

The Securities and Exchange Commission has adopted certain amendments to its rules under the Securities Act of 1933 and the Securities Exchange Act of 1934. Notice of the proposed amendments was published November 23, 1970, in Securities Act Release No. 5112 (35 F.R. 18679) together with a statement of the reasons for the proposed action.

The amendments provide that notes to financial statements and other tabular data shall be set forth in 10-point type, which is the size of type prescribed for the body of prospectuses, proxy statements and other documents filed with the Commission or sent to security holders. The amendments leave unchanged the provision that financial statements and other tabular data, including tabular data in notes, may be set forth in 8-point type.

It should be noted that the amended rules require that printed material filed with the Commission or sent to security holders pursuant to the Commission's rules must be in type at least as large and as legible as roman (not italic), modern type of the size specified. Thus the rules do not specify a particular type face so long as the one used meets the standards set forth in the rules. This enables issuers to choose from a variety of type faces in deciding which one to use for a particular type of document.

The following rules are the ones affected by the amendments:

Rule 256(d) of Regulation A (17 CFR 230.256(d)) under the Securities Act of 1933 establishes requirements for the size of type to be used in printed offering circulars filed with the Commission pursuant to the provisions of that regulation.

Rule 420 (17 CFR 230.420) under the Securities Act of 1933 specifies the size of type to be used in printed prospectuses relating to securities registered under that Act.

Rule 12b-12(c) of Regulation 12B (17 CFR 240.12b-12(c)) under the Securities Exchange Act of 1934 specifies the size of type to be used in printed registration statements and reports filed pursuant to section 12, 13, or 15(d) of that Act.

Rule 14a-3(b) of Regulation 14A (17 CFR 240.14a-3(b)) under the Securities Exchange Act of 1934 specifies the requirements for financial statements included in the annual reports required to be sent to security holders pursuant to that rule.

Rule 14a-5(d) of Regulation 14A (17 CFR 240.14a-5(d)) and Rule 14c-4(c) of Regulation 14C (17 CFR 240.14c-4(c)) specify the size of the type to be used in

proxy and information statements filed pursuant to those regulations.

Commission action. Parts 230 and 240 of Chapter II of Title 17 of the Code of Federal Regulations have been amended as indicated below:

I. Paragraph (d) of § 230.256 is amended to read as follows:

§ 230.256 Filing and use of the offering circular.

(d) The offering circular may be printed, mimeographed, lithographed, or typewritten or prepared by any similar process which will result in clearly legible copies. If printed, the body of the offering circular and all notes to financial statements and other tabular data included therein shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be set in type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

II. Section 230.420 is amended to read as follows:

§ 230.420 Legibility of prospectuses.

The body of all printed prospectuses and all notes to financial statements and other tabular data included therein shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

III. Paragraph (c) of § 240.12b-12 is amended to read as follows:

§ 240.12b-12 Requirements as to paper, printing, and language.

(c) The body of all printed statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

IV. Paragraph (b) (1) of § 240.14a-3 is amended to read as follows:

§ 240.14a-3 Information to be furnished to security holders.

(b) If the solicitation is made on behalf of the management of the issuer and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by

an annual report to such security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last 2 fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements, other than the notes thereto, shall be in roman type at least as large and as legible as 8-point modern type. All notes to such financial statements shall be in roman type at least as large and as legible as 10-point modern type. All such type shall be leaded at least 2 points. The Commission may upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 fiscal years upon a showing of good cause therefor.

V. Paragraph (d) of § 240.14a-5 is amended to read as follows:

§ 240.14a-5 Presentation of information in proxy statement.

(d) All printed proxy statements shall be in roman type at least as large and as legible as 10-point modern type, except that to the extent necessary for convenient presentation financial statements and other tabular data, but not the notes thereto, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leading at least 2 points.

VI. Paragraph (c) of § 240.14c-4 is amended to read as follows:

§ 240.14c-4 Presentation of information in information statement.

(c) All printed information statements shall be in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation financial statements and other tabular data, but not the notes thereto, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

The foregoing action has been taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 14, 15(d), and 23(a) thereof.

The foregoing action shall be effective with respect to any of the above-mentioned printed matter filed with the Commission or sent to security holders on or after July 1, 1971.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77j, 77s(a); secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 2, 52 Stat. 1075; sec. 202, 68 Stat. 686; sec. 3, 4, 5, 6, 10, 78 Stat. 565, 569, 570, 580; secs. 1, 2, 3, 82 Stat. 454, 456; secs. 1, 2, 3, 4, 5, Public Law 91-567, 15 U.S.C. 78l, 78m, 78n, 78o(d), 78w(a))

By the Commission, April 30, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71-6816 Filed 5-14-71; 8:49 am]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 1—CLAIMS FOR COMPENSATION AND ADMINISTRATIVE PROCEDURE

PART 2—FURNISHING OF MEDICAL TREATMENT

Miscellaneous Amendments

Parts 1 and 2 of Subchapter B of Title 20, Code of Federal Regulations, are hereby amended in the manner indicated below.

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in the effective date are not applicable because these rules relate to agency personnel matters. Further, I do not believe such procedures would serve a useful purpose here. Accordingly, the amendments shall become effective immediately.

The provisions of these Parts 1 and 2 are issued under section 32, 39 Stat. 749, as amended; 5 U.S.C. 8145, 8149; 1946 Reorg. Plan No. 2, section 3, 3 CFR 1943-1948 Comp., page 1064; 60 Stat. 1095; 1950 Reorg. Plan No. 19, section 1, 3 CFR, 1949-1953 Comp., page 1010; 64 Stat. 1271.

Title 20, Code of Federal Regulations, is amended as follows:

1. Paragraph (c) of § 1.1 is revised and a new paragraph (f) is added to said section as follows:

§ 1.1 General provisions; definitions.

(c) All employees of the United States and other persons who may claim or be entitled to claim benefits under the said act, and the official superiors of all such persons, shall be bound by the regulations in this subchapter and shall conform to the procedure prescribed in said act and in the regulations under this subchapter. The term "official superior," as used in this subchapter, includes all officers and employees having respon-

sible supervision, direction or control of civil employees, others employed in the service of the Federal Government or the government of the District of Columbia, and other persons performing service for the United States within the purview of said act and all acts in amendments, substitution or extension thereof. For the purposes of the regulations in this subchapter the term "employee" as used in this subchapter shall include all civil officers and employees of all branches of the Government of the United States (including officers and employees of instrumentalities of the United States wholly owned by the United States), employees of the government of the District of Columbia (except members of the Police and Fire Departments of the District of Columbia), members of the Reserve Officers' Training Corps, an individual appointed to the staff of a former President, Civil Air Patrol volunteers, Peace Corps volunteers, Job Corps enrollees, Youth Conservation Corps enrollees, Volunteers in Service to America, members of the National Teachers' Corps, members of the Neighborhood Youth Corps, student employees as defined in 5 U.S.C. 5351, employees of the Canal Zone and the Alaskan Railroad, law enforcement officers not employees of the United States killed or injured under certain circumstances involving a crime against the United States, and other persons performing service for the United States within the purview of said act and all acts in amendments, substitution or extension thereof.

(f) In the case of employees of the Canal Zone Government and the Panama Canal Company, the Federal Employees' Compensation Act is administered by the Governor of the Canal Zone; and inquiries pertaining to such coverage and eligibility should be directed to the Governor of the Canal Zone.

2. Section 1.2 is revised in heading and text as follows:

§ 1.2 Notice of injury.

(a) Whenever any injury is sustained by an employee of the United States while in the performance of his duty, he shall immediately give written notice to his official superior. If the injured employee is unable to give such notice, it may be given by someone in his behalf. Form CA-1 and 2 (Front), Employee's Notice of Injury and Occupational Disease, is provided by the Bureau for this purpose. Unless written notice of injury is given within 48 hours or unless the immediate superior has actual knowledge of the injury within that time, compensation may be refused. For reasonable cause the Bureau may accept written notice of injury given later than 48 hours, but not later than 1 year after the injury. (See § 1.13 for waiver of limitation provision.)

(b) Whenever such an injury comes to the knowledge of the injured employee's official superior, a record of the cause, nature, and extent of the injury shall be made by the official superior, who shall

call to the attention of the employee or his immediate family (if the employee is unable to do so) the necessity of submitting, within 48 hours, or as soon after injury as practicable, a Notice of Injury or Occupational Disease on Form CA-1 and 2 (Front). The official superior shall complete the receipt on the bottom of the instruction sheet attached to the Form CA-1 and 2, and give the receipt to the employee. He also shall secure the signed statements of witnesses to the occurrence and shall retain the Form CA-1 and 2 until the injury is reported to the Bureau as required in § 1.3.

3. Section 1.3 is revised in heading and text as follows:

§ 1.3 Reports by official superiors and physicians.

(a) The official superior is required to promptly submit to the Bureau a written report of every injury or occupational disease when it is likely to (1) result in a medical charge against the Bureau, (2) result in disability for work beyond the day of injury, (3) require prolonged treatment, (4) result in future disability, or (5) result in permanent disability. Form CA-1 and 2 (Back), Official Superior's Report of Injury, is provided for this purpose. The report may be withheld until the employee returns to work when it appears he will not be absent for more than 3 days. The official superior shall also furnish the Bureau with a report of any investigation made and any other statements or data which may properly relate to the circumstances of the injury. If the injury need not be reported to the Bureau, the Form CA-1 and 2 shall be retained as a permanent record in the employee's personnel folder.

(b) In all cases reported, the Bureau shall be furnished with an immediate medical report from the attending physician. This report may be made: (1) On Part B of Form CA-16, Revised; (2) on Form CA-20, Attending Physician's Report; or (3) by narrative report on the physician's letterhead stationery.

(c) Other reports shall be submitted by the official superior and attending physician as described elsewhere in this part or at other times as may be required by the Bureau.

4. Section 1.4 is revised as follows:

§ 1.4 Claim for compensation for disability.

(a) Compensation for disability will not be paid unless written claim therefor is made by the employee or by someone in his behalf within the time limit prescribed by the Act. If such claim is not submitted within 60 days after the injury, an explanation of the delay must accompany the claim. For any reasonable cause shown the Bureau may allow claim for compensation for disability to be made at any time within 1 year. (For further waiver of limitation provision see § 1.13.) For purposes of this subsection, a claim means any written document containing, or purporting to contain, words indicating an intent to claim

compensation benefits under this Act. Claim may be filed by delivering it to the offices of the Bureau, or to any person designated by the Bureau to receive it. The employee's official superior is so designated to receive claims on behalf of the Bureau, and the injured employee should submit his claim to him for transmission to the Bureau unless special circumstances require a different procedure.

(b) Notwithstanding the filing of any document provided for by paragraph (a) of this section, no disability compensation shall be payable unless the employee completes the front of a Form CA-4 and submits it to his official superior. The employee and his official superior shall complete the Form CA-4. The official superior also shall complete items 1-4 on the front of the attached Form CA-20 and insert the appropriate Bureau office address on the back thereof, and then detach the Form CA-20 and send it to the attending physician for completion and submission to the Bureau. The official superior shall promptly forward the completed Form CA-4 to the appropriate Bureau office. Unless otherwise specified, the appropriate Bureau office is that to which the Form CA-1 and 2 was submitted pursuant to § 1.2 and 1.3.

(c) Whenever an employee, as a result of an injury in the performance of duty, is disabled with loss of pay for more than 3 days his official superior shall furnish to him Form CA-4 for the purpose of claiming compensation, and shall advise him of his rights under the Act.

(d) Claims for compensation for permanent disability which involve the loss, or loss of use, of a member or function of the body as listed in 5 U.S.C. 8107, shall be filed on Form CA-4 which the official superior shall furnish.

(e) Claims for serious disfigurement of the face, head, or neck shall be made on Form CA-4 (which shall be furnished by the official superior) and supplemented by Form CA-4B (which shall be furnished by the Bureau). If any compensation has been paid or is payable for any such prior disfigurement the date of such prior injury, the amount of compensation and the source thereof shall be stated in the said CA-4, or as supplemented by Form CA-4B.

(f) Form CA-4 shall be filed with the Bureau upon termination of disability if the duration of disability should be less than 10 days, or at the expiration of 10 days from the date pay stops if disability continues beyond that date.

(g) A valid claim for disability compensation may be filed within the time limit specified by the Act by someone acting on behalf of the employee or his estate.

(h) An employee may decide to take sick and/or annual leave in order to avoid possible interruption of income. If he does and his claim for compensation on Form CA-4 is subsequently approved, he may arrange with his employing establishment to "buy back" the leave used and have it reinstated to his account. The compensation to which he is entitled would pay a part of the "buy back" cost and the employee would have to pay the

balance. The amount the employee will be required to pay will depend on several factors such as length of the period of disability and the amount of Federal income tax which is withheld from his leave pay. The establishment can help the employee determine how much the "buy back" cost will be in his case. If an employee uses leave and decides to buy it back, he may file a claim for compensation on Form CA-4 while still in leave status. In the interim, the Bureau will consider and resolve any points at issue. No compensation payments may be paid, however, while the employee is still in leave status. Arrangements to "buy back" leave must be made with the employing establishment. The establishment may make arrangements to have compensation paid directly to its account for the part of the "buy back" cost which is covered.

5. Paragraph (a) of § 1.5 is revised as follows:

§ 1.5 Application for augmented compensation for disability.

(a) While the disabled employee has one or more dependents as defined in 5 U.S.C. 8110, his basic compensation for disability shall be augmented as provided in said section. The Bureau's Form CA-4 includes an application for such augmented compensation.

* * * * *

6. Section 1.6 is revised as follows:

§ 1.6 Report of termination of disability or return to work.

In all cases reported to the Bureau the official superior is required to notify the Bureau immediately when the injured employee returns to work or when his disability ceases. Form CA-3, Report of Termination of Total or Partial Disability, is provided for this purpose. It shall be used unless a report of termination of disability is made to the Bureau on Form CA-1 and 2, or CA-4, or in some other manner.

7. Section 1.7 is revised as follows:

§ 1.7 Recurrence of disability for work.

(a) The official superior shall notify the Bureau if, after the employee returns to work, the same injury causes him to stop work again. This report shall be made on Form CA-2a, Notice of Recurrence of Disability. If the injured employee does not return to duty prior to the date this form is submitted to the Bureau, an additional report shall be made on Form CA-3 or in a similar manner when he either returns to work or his disability ceases.

(b) If the employee wishes to claim compensation as a result of the recurrence, a Form CA-4 is required, whether or not one was submitted following the original injury. All parts of the Form CA-4, plus a medical report on Form CA-20 (or in narrative form), must be completed.

8. Section 1.8 is revised in heading and text as follows:

§ 1.8 Claims for continued compensation for disability.

Form CA-8, Claim for Continuance of Compensation on Account of Disability, is provided to claim compensation for additional periods of time after Form CA-4 is submitted to the Bureau. While disability continues, claim on this form shall be submitted every 2 weeks until the employee is otherwise instructed by the Bureau. The injured employee shall complete and sign the face of the form and his attending physician shall complete the medical certificate on the reverse side of the form. The form must then be delivered to the official superior who will complete the Certificate of Employee's Official Superior which also appears on the reverse side of the form. The form shall then be sent to the Bureau.

9. Section 1.10 is revised as follows:

§ 1.10 Affidavit or report by employee of employment and earnings.

The Bureau may require a partially disabled employee to submit an affidavit or other report as to his earnings either from employment or self-employment. If such individual, when required, fails to submit such affidavit or report or if in such affidavit or report the employee knowingly omits or understates any part of such earnings or remuneration he shall forfeit his right to compensation with respect to any period for which such affidavit or report was required to be made, and any compensation already paid may be recovered by deducting the amount thereof from compensation payable to him or otherwise according to law. Earnings from employment referred to in this section or elsewhere in this part means gross earnings or wages before any deductions whatsoever have been taken out of such wages, and include the value of subsistence, quarters, or other advantages received in kind as part of the wage or remuneration.

10. Section 1.12 is revised as follows:

§ 1.12 Report of death.

When an employee dies because of a personal injury sustained while in the performance of duty or disease contracted as a result of the employment, the official superior shall immediately report the fact to the Bureau by telegraph or telephone. Also, the official superior shall promptly send the Bureau a Report of Death on Form CA-3 (see lower portion of that form). This shall be accompanied by the Official Superior's Report of Injury on Form CA-1 and 2 (Back) if that report was not previously submitted. The official superior shall also complete items 1 through 6 on the front of Form CA-1 and 2 to insure identification of the decedent.

§ 1.20 [Revoked]

11. Section 1.20 is revoked in its entirety.

12. Section 2.1 is revised as follows:

§ 2.1 Medical treatment, hospital services, transportation, etc.

(a) All medical services, appliances, drugs, and supplies which in the opinion of the Bureau of Employees' Compensation (hereinafter referred to as the Bureau) are necessary for treatment of an injury as provided by 5 U.S.C. 8103 shall be furnished to employees of the United States and to others entitled by law to medical and other benefits by or upon the order of U.S. medical officers and hospitals, when available and practicable, for injuries sustained while in the performance of duty, including diseases proximately caused by the conditions of employment, whether resulting in loss of time or not, as well as the necessary means of transportation incident to the securing of such services, appliances, drugs, and supplies. An injured employee will be furnished transportation or be reimbursed for transportation expense, and shall be reimbursed for expenses incident to the securing of services, appliances and supplies necessary in the treatment of an injury related condition, when authorized by the Bureau or by his official superior. If there should be no U.S. medical officer or hospital available, medical services shall be furnished by private physicians designated by the Bureau.

(b) The Bureau's Pamphlet BEC-576, Medical Facilities, lists the U.S. medical officers and hospitals and designated physicians normally available for the care of BEC beneficiaries. Also, the medical facilities of the Army, Navy, Air Force, and Veterans Administration may be used when previous arrangements have been made on a case-by-case basis with the director of the hospital or clinic.

(c) Federal health service units or other occupational health service facilities established under the provisions of the Act of August 8, 1946, as amended (5 U.S.C. 7901), are not U.S. medical officers and hospitals as used in this part. Under criteria established by the Bureau of the Budget (now Office of Management and Budget) in Circular No. A-72 of June 18, 1965, these health service units or occupational health service facilities can only provide emergency diagnosis and first (initial) treatment of injury or illness that become necessary during working hours and that are within the competence of the professional staff and facilities of the health service unit or facility [see paragraph 4.a of OMB Circular]. Any other treatment and medical care by these units or facilities in instances of injury or illness sustained in the performance of duty must be specifically authorized by a physician providing medical care under the specific authorization of the Bureau of Employees' Compensation [see paragraph 4.d of OMB Circular].

(d) In localities where there are no U.S. medical officers and hospitals available, or their use is not practicable, the injured employee shall be referred to one of the designated physicians in the locality as listed in Pamphlet BEC-576 (when authorizing the services of a des-

ignated physician the official superior shall give the injured employee an opportunity to select the designated physician to whom he wishes to be referred). In localities where U.S. medical officers and hospitals or designated physicians are not available or their use is not practicable, or in medical emergencies, any qualified physician in the area shall be authorized to provide medical care as appropriate. Mere convenience or personal preference of the injured employee may not be considered sufficient explanation for the selection of nondesignated physicians in those localities where U.S. medical officers and hospitals and/or designated physicians are available.

(e) The attending physician shall arrange for necessary hospital care at semiprivate rates (unless the nature of the case requires care in a private room), special nursing services, X-ray examinations, and consultations by specialists. In cases of an emergency nature or cases involving unusual circumstances the Bureau may in the exercise of its discretion authorize treatment otherwise than as provided for in this part, or it may approve payment for medical expenses incurred otherwise than as authorized in this part.

(f) The term "physician" includes surgeons and osteopathic physicians within the scope of their practice as defined by State law. Chiropractors, naturopaths, podiatrists (chiropractors), psychologists, optometrists, faith healers, and other practitioners of the healing arts are not recognized as physicians as used in this part.

(g) The term "medical, surgical, and hospital services and supplies" as used in this part includes services and supplies by osteopathic physicians and hospitals within the scope of their practice as defined by State law.

13. Section 2.2 is revised in heading and text as follows:

§ 2.2 Official authorization for treatment.

(a) When an employee sustains an injury by accident under circumstances entitling him to compensation or medical treatment, his official superior shall promptly issue to him a request for examination and/or treatment on Form CA-16. The employee shall carry the Form CA-16, where practical for him to do so, from his place of employment to the medical officer or physician. Form CA-16 shall be used solely for an injury sustained by accident. In all instances of disease or illness, the official superior shall contact the proper office of the Bureau for instructions on authorizing treatment. In emergency situations, the office should be contacted by telephone.

(b) An injured employee does not have authority to issue an authorization for examination and/or treatment on his own behalf.

14. Section 2.3 is revised in heading and text as follows:

§ 2.3 Emergency treatment.

In cases of injury by accident where emergency treatment is necessary any

qualified local physician may render initial treatment. If oral authorization for such treatment is given by the official superior, Form CA-16 shall be issued within 48 hours thereafter. Animal bites and eye injuries are considered medical emergencies and medical care by the nearest qualified physician is permissible. Further treatment, if necessary, shall be obtained as soon as practicable from a U.S. medical officer or hospital or local designated physician, if available. It is the duty of the official superior to authorize initial medical treatment for acute injuries, exclusive of disease or illness, and to transfer the employee to the care of a local U.S. medical officer or hospital or designated physician, when available, for any subsequent treatment needed. If unable to comply promptly with this requirement, the official superior shall communicate with the appropriate district office of the Bureau for instructions.

15. Section 2.4 is revised as follows:

§ 2.4 Medical treatment for recurrence of disability.

If an injured employee complains of a recurrence of disability (whether or not he is disabled for work), after having recently been discharged from medical treatment, on account of an injury by accident recognized as compensable by the Bureau, under circumstances from which it may reasonably be inferred that such disability is the result of such injury, and the place of employment is the same as at the time of such injury, the official superior in his discretion may issue a Form CA-16 as provided by §§ 2.1 and 2.2: *Provided*, That not more than 6 months shall have elapsed since the final action of the Bureau upon the case. In any case in which the employee complains of a recurrence of disability with respect to which there may be doubt that the disability is the result of the injury or in any case in which the final action of the Bureau shall have been taken more than 6 months prior to complaint, the official superior shall communicate with the Bureau and request instructions, stating all of the pertinent facts in his communication. In all other cases the employee shall communicate with the Bureau and request such treatment.

16. Section 2.10 is revised as follows:

§ 2.10 Recording and submission of medical reports.

(a) Medical officers, designated physicians, other physicians and hospitals shall keep adequate records of all cases treated by them sufficient to supply the Bureau with a history of the employee's accident, the exact description, nature, location, and extent of injury, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of impairment arising from the injury.

(b) Form CA-16 provides for the furnishing of the initial medical report. Form CA-20 may also be used for the initial report and for subsequent report. The medical report on the back of Form

CA-8 is to be utilized in instances where continued compensation is claimed on such form. These reports shall be forwarded promptly to the Bureau.

(c) Detailed supplementary reports in narrative form shall be made by the physician at approximately monthly intervals in all cases of serious injury, especially injuries of the head and back, and including all cases requiring hospital treatment or prolonged care. The supplementary report shall show the date the employee was first examined or treated, the patient's complaint, the condition found on examination, the diagnosis, medical opinion as to any relationship between the impairment and the injury alleged, report as to any other impairments found not due to injury, the treatment given or recommended for the injury alleged, the extent of impairment affecting the employment as a result of the injury, the actual degree of loss of active or passive motion of an injured member, the amount of atrophy or deformity in a member, the decrease, if any, in strength, the disturbance of sensation, the prognosis for recovery, and all other material facts. If the services of a specialist are required in the examination or treatment of the employee, a report of his findings upon examination, his diagnosis, his opinion as to the relationship between the impairment and the injury, the medical rationale for his opinion, the treatment recommended by him, a statement of the extent of impairment as a result of the injury and the prognosis shall be forwarded to the Bureau for consideration in conjunction with other reports. The requirement of this section or of any section in this part with respect to the form of medical, dental, hospital or other reports may be waived by the Bureau.

(5 U.S.C. 8145, 8149)

Signed at Washington, D.C., this 11th day of May 1971.

JOHN M. EKEBERG,
Director,

Bureau of Employees' Compensation.

[FR Doc. 71-6787 Filed 5-14-71; 8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses

In the FEDERAL REGISTER of October 2, 1970 (35 F.R. 15402), a notice was published in which the Commissioner of Food and Drugs proposed that Part 3 be amended by adding a statement of general policy regarding the use of impact-resistant lenses in eyeglasses and sunglasses. The notice provided for the filing of comments within 30 days, and this time period was extended to January 30,

1971, by a document published in the FEDERAL REGISTER of November 3, 1970 (35 F.R. 16937). An announcement was published in the FEDERAL REGISTER of November 6, 1970 (35 F.R. 17116), advising interested parties that the effective date of the proposal when adopted would be December 31, 1971.

Comments were received from more than 600 representatives of the ophthalmic community and from interested individuals, principally as follows:

A. The American Committee on Optics and Visual Physiology, American Optometric Association, Defense Medical Material Board, Guild of Prescription Opticians of America, National Society for the Prevention of Blindness, Optical Wholesalers Association, Optical Manufacturers Association, and the Sunglass Association of America recommend jointly that:

1. Any heat-treating of prescription lenses to impart impact resistance should be permitted to be accomplished after all grinding, edging, and polishing is completed. This could be done in certain instances at the wholesale level and in certain instances at the retail level. It is presently technically impossible to accomplish such heat treating of prescription lenses at the manufacturing level. This is not the case with sunglasses and ready-made eyeglasses as the heat treating of these glasses is done at the manufacturing level.

2. Any FDA regulation should incorporate the American National Standards Institute standards, rather than set forth a specific test. By incorporating the American National Standards Institute's standards, FDA will permit the professions and industry to continue efforts to develop new and better materials and testing procedures to the benefit of the consuming public.

3. It is essential that the government, the ophthalmic professions, and industry insure that any regulation that may be promulgated does not imply to the public that impact-resistant lenses are shatter-proof, break-proof, or provide an unbreakable shield against eye injury.

B. In addition to the joint comments described under A above, the American Optometric Association commented that:

1. The proposed statement of policy should be modified to eliminate all aspects of the policy with respect to prescription eyewear dispensed by optometrists or physicians or dispensed on prescriptions written by optometrists or physicians.

2. Patients should not be deprived of the benefits of ordinary glass lenses, and optometrists should be permitted to prescribe them without any restrictions being imposed by FDA.

3. They agree that a lens should be as impact-resistant as possible. The FDA noted that only 25 percent of the prescription lenses being dispensed are plastic or heat-treated glass; the American Optometric Association believes that the trend toward a wider use of impact-resistant lenses needs to be encouraged. However, the American Optometric Association believes that a proper emphasis on safety can be achieved without governmental regulation on prescription lenses.

4. To accelerate the trend toward a wider use of impact-resistant lenses, the American Optometric Association proposes that dispensers of prescription spectacles certify to each patient the impact resistance level of the lenses supplied. Furthermore, to relieve optical laboratories and dispensing opticians of the responsibility of making decisions about impact resistance, the prescribing optometrist or ophthalmologist could specify the impact resistance level to be used in filling a prescription.

5. The American Optometric Association believes claims of serious eye injuries caused by prescription lens breakage are grossly exaggerated and that these allegations ignore the basic impact resistance protection provided by prescription lenses. Furthermore, they feel the claims of superiority of impact-resistant lenses over ordinary glass lenses are also exaggerated.

6. The American Optometric Association is concerned with the effect the proposed regulation would have on research and development of new lenses which could be superior to any existing impact-resistant lenses. More emphasis should be given to high priority programs for further development of spectacle lenses with optimum impact resistance. Research and development is urgently needed in procedures for testing impact-resistant lenses with emphasis on protection against primary missiles to which eyes are exposed and which can produce injury.

C. In addition to the joint comments described under A above, the Sunglass Association of America, Inc., commented that:

1. There are three primary factors influencing the resistance of glass lenses to impact: Glass formulation, heat treating, and thickness. Much work has been done by manufacturers to increase the effectiveness of the first two. Recent developments have increased the effectiveness of the first two. Recent developments have increased the effectiveness of heat treating. This enables plano lenses 1.2-1.7 millimeters thick to withstand an impact which a lens 2 millimeters thick, treated by methods which are not as effective, could not withstand. Thus, a minimum thickness requirement would prevent the use of a superior lens by limiting one of the variable factors in impact resistance without considering the ultimate impact resistance of the lens. It is submitted that, if impact resistance is to be regulated, it should be done in a manner which will permit the manufacturer to achieve the necessary degree of impact resistance by any means possible, whether it be by glass formulation, by heat-treating, or by thickness.

2. As many prescription and non-prescription lenses differ markedly in the extent to which heat treating affects their resistance to impact and in their production, marketing, and use, it is strongly urged that prescription and

nonprescription lenses be treated as separate products for the purposes of any Federal regulation.

3. To provide a basis for an informed decision on a regulation in this area, additional studies are needed on the nature and cause of eye injuries as well as on the ability of various lenses to prevent them.

4. Additional factors which must be considered in any decision on regulations to be adopted are the cost to the consumer and the results of an increase in cost.

D. In addition to the joint comments described under A above, the National Society for the Prevention of Blindness, Inc., commented that:

1. They are of the opinion that the Food and Drug Administration proposal is one of the most important advances in the promotion of eye safety to date.

2. The finalization of this proposal would definitely augment the reduction of eye injuries among the thousands of people in this country who wear prescription glasses or sunglasses.

E. The National Association of Optometrists and Opticians Inc., commented that:

1. There is a lack of available data in this field. They recommend that a full investigation be conducted before making a final decision.

2. The collective best interests of consumers would not seem to require that all of them need impact-resistant lenses.

F. The American Association of Ophthalmology commented that:

1. They are in accord with the concept of preventing eye injuries through the wearing of impact-resistant lenses, regardless of the type of lens material used to provide impact resistance.

2. Although preventable ocular injuries occur through the shattering of ordinary optical glass lenses, the true rate and incidence of ocular injuries to individuals wearing various types of lenses is unknown. The American Association of Ophthalmology is undertaking a survey of 9,500 ophthalmologists in the United States in an effort to provide the FDA with more valid statistics regarding the rate and incidence of ocular injuries than are presently available. Developing these statistics will require a period of several months.

3. In the event that the FDA should issue a regulation regarding impact-resistant lenses prior to receiving this information, the Association would recommend that eyeglasses and sunglasses delivered to the public be fitted with impact-resistant lenses made of any material which meets the definitions, specifications, test procedures, and tolerances for impact resistance and any exceptions provided for in the American National Standards Institute's industry standards, as amended, except in those cases where a physician prescribes otherwise.

G. The Committee on Conservation of Vision, Oregon Medical Association, commented that:

1. A person wearing a standard glass lens has more eye protection than a person with no lens at all.

2. The hazard of the standard glass lens as presented to FDA has apparently been grossly exaggerated.

3. Impact-resistant lenses are definitely indicated for many persons, and their increased use in appropriate circumstances should be encouraged.

4. Impact-resistant lenses do have serious disadvantages for some persons.

5. In overall use impact-resistant lenses cost much more than the simple cost of hardening a lens. For example, changing and reedging of the lens to fit another frame cannot be done on a tempered lens.

6. Plastic lens sources, at least in this area, are inadequate to handle the demand that would be required by this regulation.

7. If the need to improve eye safety demands action, there is as much reason to require all citizens to wear impact-resistant lenses as to require this of people who wear prescription glasses and sunglasses.

H. The Utah Optometric Association, Inc., commented that:

1. The public would have to understand that tempered lenses will still break.

2. Additional research needs to be done to see if injuries from eyeglasses can be avoided simply by heat treating lenses.

3. Visual care will be more expensive if this regulation is finalized.

4. The decision to use tempered or plastic lenses should be left to the discretion of the optometrist or physician and the patient involved.

I. New York State Optical Retailers Association, Inc., commented that:

1. All of the available scientific information indicates that heat-treated lenses offer inferior protection when contrasted with unhardened lenses. Although the lenses described in the proposed statement of policy must meet a performance test, there has been no demonstrated relationship between the ability of the lenses to withstand that test and their ability to offer protection against the more common missiles causing eye injury.

2. The data on the incidence of preventable traumatic eye injury is at best sparse and not subject to any scientific or statistical evaluation.

3. The Association raises the jurisdictional question as to whether the Food and Drug Administration has the statutory authority to proceed with the proposed statement of policy affecting the manufacture and sale of eyeglass lenses.

J. The National Research Council, Committee on Vision, commented that:

1. There are important gaps in our knowledge that must be filled before the safety characteristics of spectacle lenses intended for general use can be adequately specified. The committee therefore recommends strongly that research on this problem be supported.

2. More definitive data are needed on ocular injuries and lens breakage that injures eyes so that protection criteria can be made relevant to actual situations.

3. Determination of the validity of the dropped-ball test and ballistic test as a definition of the safety afforded by lenses is required and must necessarily parallel the understanding of failure characteristics of lenses as they vary with power, thickness, and curvature.

4. The committee recognizes that new materials and new technology may result in a lens which provides more ideal safety features for eyewear.

K. The Ophthalmic Optics Branch Committee of the European Federation of Optical and Precision Mechanics Industries commented that:

1. The committee agrees with the necessity of public protection but cannot agree with the requirements of the proposed statement of policy which specifies a minimum thickness of 2 millimeters for sunglass lenses. In the field of sunglass heat treatment, today's technology makes it possible to heat treat lenses less than 2 millimeters thick and still meet the required impact test.

2. It is essential that a sufficient period of time be allowed to dispose of existing inventories and to set up heat-treating equipment.

L. Letters endorsing the proposal were received from over 500 individuals, most of whom are engaged in occupations dealing with industrial or public safety.

M. Letters endorsing the proposal were received from 20 physicians including seven heads of Departments of Ophthalmology at medical schools and the editor of "American Journal of Ophthalmology."

N. Over 75 requests for an additional 1- to 5-year delay of the effective date were received primarily from individuals engaged in the manufacture or distribution of sunglasses.

The Commissioner of Food and Drugs, having considered the comments, finds that:

1. Examination of the available data on the safety characteristics of eyeglass and sunglass lenses serves only to illustrate the need for further research in this area. However, based on the weight of opinion expressed by the ophthalmic community, it is clear that requiring lenses to meet the standards of the impact resistance test as described in the proposal will afford greater protection to the average wearer of eyeglasses and sunglasses than is currently being provided.

2. The Food and Drug Administration's policy in this area is based on present American National Standards Institute specifications. It is intended that the policy will be appropriately revised in accordance with the Institute's standards when such standards are amended: *Provided*, That the amendments are in the best interest of the public.

3. The goal of this policy statement is to establish certain standards of performance. Therefore, we see no need for the establishment of a minimum thickness requirement as long as it can be demonstrated that the lenses will meet the impact resistance test described in the statement of policy. To accomplish this it will be necessary to subject each

finished impact-resistant glass lens (including each impact-resistant laminated glass lens) for prescription use to the impact test. To demonstrate that all other types of impact-resistant lenses are capable of withstanding the impact test, the manufacturer of such lenses shall be required to subject to the impact test a statistically significant sampling of lenses from each production batch as set forth below in the statement of policy being added to Part 3 (21 CFR Part 3) by this order.

4. The proposed statement of policy has been revised:

(a) To include other methods of improving the impact resistance of glass as well as heat tempering.

(b) To include the weight of the $\frac{5}{16}$ -inch steel ball (approximately 0.56 ounce) to be used in the impact resistance test and to include a more detailed description of the test procedure.

(c) To permit the use of other methods of testing impact resistance, provided it can be shown that the alternate method is equal to or superior to the prescribed method.

(d) To eliminate the minimum thickness requirement.

(e) To include records and inspections provisions and lens production batch identification requirements.

5. The Food and Drug Administration recognizes the necessity of informing the public that impact-resistant lenses are not shatterproof or break-proof. The eyeglass wearer must be informed that impact-resistant lenses meeting the requirements of this statement of policy will afford him greater protection than is currently being provided but will not provide an unbreakable shield against eye injury. The Food and Drug Administration is requesting assistance from the ophthalmic community, the National Safety Council, and the National Society for the Prevention of Blindness in bringing this message to the public.

6. The Food and Drug Administration agrees that the ophthalmic community should take steps to accelerate the trend toward wider use of impact-resistant lenses. However the FDA does not agree that this can be accomplished effectively without the promulgation of this statement of policy. This proposal has already served to stimulate interest in the use of impact-resistant lenses and in the development of safer eyewear. The FDA believes that the finalization of the proposal will have a further stimulating effect.

7. The Food and Drug Administration recognizes the necessity for allowing an adequate amount of time for the industry to shift to impact-resistant lenses. The statement of policy provides for an adequate period of time to permit an orderly transition.

8. A public hearing on this proposal is unnecessary and would serve only to delay the implementation of this policy. Essentially all of the objectors agree with the basic concept of the proposal, i.e., the prevention of eye injuries through the wearing of impact-resistant lenses. The only issue is how best to assure the use of

impact-resistant lenses. This statement of policy provides for a means of insuring a necessary measure of protection and will be revised when necessary to keep abreast with technological improvements.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(j), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(j), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 3 is amended by adding thereto the following new section:

§ 3.84 Use of impact-resistant lenses in eyeglasses and sunglasses.

(a) Examination of data available on the frequency of eye injuries resulting from the shattering of ordinary crown glass lenses indicate that the use of such lenses constitutes an avoidable hazard to the eye of the wearer.

(b) The consensus of the ophthalmic community is that the number of eye injuries would be substantially reduced by the use in eyeglasses and sunglasses of either plastic lenses, heat-treated crown glass lenses, or lenses made impact-resistant by other methods.

(c) To protect the public more adequately from potential eye injury, eyeglasses and sunglasses must be fitted with impact-resistant lenses, except in those cases where the physician or optometrist finds that such lenses will not fulfill the visual requirements of the particular patient, directs in writing the use of other lenses, and gives written notification thereof to the patient.

(d) The physician or optometrist shall have the option of ordering heat-treated glass lenses, plastic lenses, laminated glass lenses, or glass lenses made impact resistant by other methods; however, all such lenses must be capable of withstanding an impact test in which a $\frac{5}{16}$ -inch steel ball weighing approximately 0.56 ounce is dropped from a height of 50 inches upon the horizontal upper surface of the lens. The ball shall strike within a $\frac{5}{16}$ -inch diameter circle located at the geometric center of the lens. The ball may be guided, but not restricted, in its fall by being dropped through a tube extending to within approximately 4 inches of the lens. In order to pass the test, the lens must not fracture (for the purpose of this section, a lens will be considered to have fractured if it cracks through its entire thickness and across a complete diameter into two or more separate pieces or if any lens material visible to the naked eye becomes detached from the ocular surface). The test shall be conducted with the lens supported by a tube (1-inch inside diameter, $1\frac{1}{4}$ -inch outside diameter, and approximately 1-inch high) affixed to a rigid iron or steel base plate. The tube shall be made of rigid acrylic plastic, steel, or other suitable substance and shall have on the top edge a $\frac{1}{8}$ -by $\frac{1}{8}$ -inch neoprene gasket having a hardness of 40 \pm 5, as determined by ASTM Method D 1415; a minimum tensile strength of 1,200 pounds, as determined by ASTM Method D 412; and a minimum ultimate elonga-

tion of 400 percent, as determined by ASTM Method D 412. The diameter and/or contour of the lens support may be modified as necessary so that the $\frac{1}{8}$ -by $\frac{1}{8}$ -inch neoprene gasket supports the lens at its periphery. Each finished impact-resistant glass lens (including each impact-resistant laminated glass lens) for prescription use shall be subjected to the impact test prescribed by this paragraph. To demonstrate that all other types of impact-resistant lenses are capable of withstanding this impact test, the manufacturer of such lenses shall subject to the impact test a statistically significant sampling of lenses from each production batch, and the lenses so tested shall be representative of the finished forms as worn by the wearer (including finished forms that are of minimal lens thickness and that have been subjected to any treatment used to impart impact resistance). This statement of policy will be appropriately amended to provide for use of alternate methods of testing the impact resistance of lenses if it can be shown that the alternate method is equal to or superior to the method prescribed in this paragraph.

(e) In addition to the invoice(s) and shipping document(s), all packages and/or shipping containers of impact-resistant lenses, other than impact-resistant glass lenses (including impact-resistant laminated glass lenses) for prescription use, shall bear a code or mark in a form or manner that will permit future identification of any given production batch by the manufacturer.

(f) The manufacturer of the lenses shall make, keep, and maintain for 3 years records of sale, distribution, and the results of tests conducted in accordance with paragraph (d) of this section. The manufacturer shall make such records available upon request at all reasonable hours by any officer or employee of the Food and Drug Administration or by any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare and shall permit such officer or employee to inspect and copy such records, to make such inventories of stock as he deems necessary, and otherwise to check the correctness of such inventories.

(g) For the purpose of this section, the term "manufacturer" includes an importer for resale. Such importer may have the tests required by paragraph (d) of this section conducted in the country of origin; however, such importer of impact-resistant lenses is subject to and must comply with the records and inspections provisions of paragraph (f) of this section.

(h) The transition to impact-resistant lenses must start immediately and be completed as promptly as possible; however, to provide for the development of an adequate supply of impact-resistant lenses and to facilitate an orderly change over to these lenses, the effective date of this statement of policy will be December 31, 1971. After that date eyeglasses and sunglasses must be fitted with impact-resistant lenses, except when the physician or optometrist finds that

impact-resistant lenses will not fulfill the visual requirements of a particular patient.

(i) This statement of policy does not apply to contact lenses.

(Secs. 502(j), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(j), 371(a))

Dated: May 11, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-6802 Filed 5-14-71; 8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary,
Department of Housing and Urban
Development

PART 7—EQUAL EMPLOYMENT OP- PORTUNITY; POLICY AND PROCE- DURES

Appeals and Grievances

These amendments are made to conform Part 7 to amendments which the Civil Service Commission has promulgated to its Equal Opportunity regulations in 5 CFR Part 713 (35 F.R. 14917). The amendments to Part 7 provide that if an allegation of discrimination is made in the course of an appeal under Subpart B of 5 CFR Part 771—Administrative Appeals, it shall be processed under that subpart and appropriate Department procedures, and if an allegation of discrimination is made in the course of a grievance under Subpart C of 5 CFR Part 771—Employee Grievances, it shall be processed under Subpart A of Part 7 and HUD Handbook 771.2, Employee Grievances.

Since these amendments relate to Department personnel and procedures, notice and public procedure and a deferred effective date are unnecessary. These amendments shall therefore be made effective April 1, 1971, the effective date of the amendments to 5 CFR Part 713.

1. Section 7.33(a) is amended to read as follows:

§ 7.33 Acceptability.

(a) The EEO Officer shall determine whether the complaint comes within the purview of this subpart and shall advise the complainant and his representative in writing of the acceptance, rejection, or cancellation of his complaint. A complaint may be rejected, with the concurrence of the Director or Deputy Director of EEO, because it was not filed within the required time limits or because it is not within the purview of this subpart. It may be canceled because of a failure of the complainant to prosecute the complaint or because of a separation of the complainant from the Department for reasons not related to his complaint.

2. Section 7.37 is revised to read as follows:

§ 7.37 Relationship to other HUD appellate procedures.

(a) Except as provided in paragraphs (b) and (c) of this section, when a complainant makes a written allegation of discrimination because of race, color, religion, sex, or national origin in connection with an action that would otherwise be processed under the grievance or appeals procedure of the Department, the Department may process the allegation of discrimination under its grievance or appeals procedure when that procedure meets the principles and requirements in §§ 7.25 through 7.38. However, with regard to the issue of discrimination (as distinguished from other aspects of the action), the Director or Deputy Director of EEO shall make the decision of the Department as provided in § 7.39. That decision shall be incorporated in and become a part of the decision on the grievance or the appeal.

(b) An allegation of discrimination made in connection with an appeal under Subpart B of 5 CFR Part 771 and appropriate Department procedures shall be processed under that subpart and said procedures.

(c) An allegation of discrimination made in connection with a grievance under Subpart C of 5 CFR Part 771 and HUD Handbook 771.2, Employee Grievances, shall be processed under this subpart.

3. Section 7.38(a) is amended to read as follows:

§ 7.38 Avoidance of delay.

(a) The complaint shall be resolved promptly. To this end, both the complainant and the Department shall proceed with the complaint without undue delay so that the complaint is resolved, except in unusual circumstances, within 60 calendar days after its receipt by the appropriate EEO officer, exclusive of time spent in the processing of the complaint by the appeals examiner. When the complaint has not been resolved within this time limit, the complainant may appeal to the Civil Service Commission for a review of the reasons for the delay. Upon review of this appeal, the Commission may require the Department to take special measures to insure the prompt processing of the complaint, or the Commission may accept the appeal for consideration pursuant to §§ 7.45 through 7.49.

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); E.O. 11478, Aug. 8, 1969, 34 F.R. 12985; 42 U.S.C. 2000e note; 5 CFR Part 713)

Effective date. These amendments are effective April 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and
Urban Development.

[FR Doc.71-6838 Filed 5-14-71; 8:51 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Correction

In F.R. Doc. 71-6362 appearing at page 8566 in the issue of Saturday, May 8, 1971, the "Effective date of identification of areas which have special flood hazards" for Treasure Island, Fla., now reading "June 27, 1971" should read "June 27, 1970".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Clarence Cannon National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the *FEDERAL REGISTER* (5-15-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSOURI

CLARENCE CANNON NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Clarence Cannon National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,746 acres, is delineated on a map available from the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from May 30, 1971, through September 30, 1971, inclusively.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

JAMES F. GILLETT,
Refuge Manager, Clarence Cannon National Wildlife Refuge,
Annada, Mo.

MAY 10, 1971.

[FR Doc.71-6782 Filed 5-14-71; 8:46 am]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Title 32, Chapter V, Subchapter G, is amended as follows:

PART 591—GENERAL PROVISIONS

1. Section 591.108 (a) through (d) are amended and new paragraphs (e) and (f) are added; § 591.108-50 is added; §§ 591.113 and 591.113-1(a) are revised; § 591.113-2 is added; in § 591.150(b) (7) an addressee is inserted; § 591.329-51 is added; §§ 591.330 and 591.330-6 are revoked; § 591.354 is added; §§ 591.402-50 (a), 591.403-52(e) (1), 591.403-54 (a) and (b), and 591.450-11(a) are amended; § 591.452-6(b) is revised; § 591.608-3 is added; §§ 591.1002 and 591.1002-6 are revoked; § 591.2100-5(c) (4) and (5) is revised and a new subparagraph (6) is added; in § 591.5102(b) (1) and (4) is amended; and the appendix to § 591.5102 is revoked in its entirety and revised, as follows:

§ 591.108 Departmental procurement instructions and ASPR and APP implementations.

(a) Heads of procuring activities, their subordinate commands or purchasing offices shall not issue regulations, directives, instructions (including SOP's), or implementations of ASPR and APP which repeat or paraphrase ASPR and APP coverage or which are intended to amplify, clarify, or interpret the coverage in ASPR and APP. Whenever improvements in coverage in ASPR and APP are deemed necessary, proposed amendments thereto shall be forwarded in accordance with § 591.105.

(b) Heads of procuring activities may publish implementations of ASPR and APP only to the extent that—

(1) ASPR or APP paragraphs by the wording therein require implementation at head of procuring activity level;

(2) Implementation is essential to performance of the assigned procurement mission and meets the criteria in § 1.108 (a) and (b) of this title.

(3) Implementations are identified as Procurement Instructions and are numbered in the 715 series;

(4) Section, part, and paragraph numbers are keyed to the ASPR or APP section, part, or paragraph being implemented; and

(5) Sections, parts, and paragraphs of ASPR or APP shall not be cited when there is no implementation thereof.

(c) The authority in paragraph (b) of this section shall extend to heads of procuring activities subordinate to Headquarters, U.S. Army Materiel Command, or Headquarters, U.S. Continental Army Command, only if approved by the appropriate Headquarters.

(d) Heads of procuring activities may publish procurement instructions of a temporary nature in Circulars numbered in the 715 series, provided the instructions

meet the criteria in § 1.108 (a) and (b) of this title. Each circular shall indicate the date upon which it shall expire.

(e) Purchasing offices may issue SOP's for use within the purchasing office itself or within the installations/activities served by the purchasing office, provided the coverage in the SOP's is in accord with paragraph (a) of this section.

(f) Implementations and instructions referenced in paragraphs (b), (d), and (e) of this section are official publications of Department of the Army activities and shall be authenticated in accordance with instructions in AR 310-1.

§ 591.108-50 Distribution of HPA procurement instructions.

One copy of each procurement regulation, directive, instruction, circular, or other procurement publication issued by a head of procuring activity shall be forwarded at the time of issuance to the addressee in § 591.150(b) (6) (see § 591.150(d)).

§ 591.113 Standards of conduct.

§ 591.113-1 Government personnel.

(a) Purchasing offices shall retain a copy of AR 600-50 on file at all times and shall make the regulation readily available to individuals directly concerned with procurement. Installation/activity commanders shall take appropriate action to bring the standards of conduct to the attention of all personnel directly or indirectly concerned with any phase of procurement or related activities at least semiannually.

§ 591.113-2 Organizational conflicts of interest.

Contracting officers shall forward through the cognizant head of procuring activity to the addressee in § 591.150(b) (6) at time of issuance copies of all solicitation notices and clauses incorporated in contracts pursuant to § 1.113-2 of this title (see § 591.150(d)).

§ 591.150 Procurement channels and mailing addresses.

(7) Chief of Engineers, Forrestal Building, Washington, DC 20314.

§ 591.329-1 Release of intelligence material to contractors.

AR 380-9(C) establishes Department of the Army policy and procedures with respect to release of intelligence material to contractors in support of Department of the Army programs.

§ 591.330 [Revoked]

§ 591.330-6 [Revoked]

§ 591.354 Procurements using nonappropriated funds.

(a) AR 230-1 prescribes the policies and procedures for making procurements using nonappropriated funds.

(b) Under the provisions of AR 230-1, the fund custodian is the contracting officer for the nonappropriated fund.

However, any contracting officer appointed for the purpose of obligating appropriated funds [see § 591.405] may be appointed by the fund custodian as a nonappropriated fund contracting officer for the purpose of negotiating, awarding, and administering any nonappropriated fund contract or procurement transaction; provided, the installation commander approves the appointment, and the nonappropriated fund procurement workload will not interfere with or delay the accomplishment of appropriated fund procurements.

(c) Appropriated fund contracting officers generally will be appointed as nonappropriated fund contracting officers only for processing nonappropriated fund contracts or procurement transactions estimated to be \$2,500 or more; however, nonappropriated fund contracts or procurement transactions estimated to be less than \$2,500 may be processed by such contracting officers at the discretion of the installation commander.

(d) Appropriated fund contracting officers will provide advice and assistance to nonappropriated fund custodians for all nonappropriated fund procurements estimated to be in excess of \$1,000.

§ 591.402-50 Responsibilities of contracting officers.

(a) A contracting officer has primary responsibility for—

(1) Knowing and observing the scope and limitations of his authority and not exceeding the authority conferred upon him;

(2) Safeguarding the interests of the United States in contractual relationships;

(3) Determining facts relating to contracts, where necessary;

(4) Maintaining vigilance to ensure that contractors fully comply with the terms of their contracts; and

(5) The legal, technical, and administrative sufficiency of any contract which he executes (§ 591.451).

§ 591.403-52 Review of contracts and modifications.

(e) * * *

(1) Contracts for utilities services (see § 591.450-6), contracts for employing personnel in Army dependent schools, contracts for contract surgeons, and modifications thereto;

§ 591.403-54 Departmental preaward review and secretarial notation.

(a) Proposed awards to be reviewed at Department of the Army level for notation by the office of the Assistant Secretary of the Army (Installations and Logistics) shall consist of— * * *

(b) Proposed awards to be reviewed at Department of the Army level for notation by the office of the Assistant Secretary of the Army (Research and Development) shall consist of— * * *

§ 591.450-11 Automatic data processing equipment (ADPE).

(a) In connection with the award of contracts for acquisition or use of ADPE, see § 3.1100 of this title, § 593.1100 of this chapter, and AR 18-1 and 18-2.

§ 591.452-6 Other individuals authorized to make purchases.

(b) Individuals in paragraph (a) (1) through (3) of this section shall prepare and submit information for procurement reporting purposes to the contracting officer in the manner specified by him.

§ 591.608-3 Addresses and copies of reports.

(a) When all of the information required by § 1.608-2 of this title is not immediately available, the report shall be prepared and forwarded with the information at hand. Failure to include in the initial report any of the items in § 1.608-2 of this title shall be explained. The additional information, any changes to information furnished, and information on all developments in the matter shall be promptly forwarded as it becomes available.

(b) Three complete copies of each report shall be forwarded to the addressee in § 591.150(b) (2) through procurement channels (see § 591.150(d)). Forwarding correspondence shall contain the recommendations of each successive echelon and shall be signed by one of the officials designated in § 591.150(c).

(c) The reports required by § 1.608 of this title are exempt from reports control under paragraph 7-2n, AR 335-15.

§ 591.1002 [Revoked]

§ 591.1002-6 [Revoked]

§ 591.2100-5 Approval.

(c) * * *

(4) A discussion of the appropriateness of conducting a "Should Cost" study;

(5) If procurement is to be sole source—

(i) A discussion of component break-out regardless of first time procurement or not, and

(ii) An impact statement should the plan be disapproved; and

(6) If procurement is not for a usable end item, explanation of how the other components will be acquired regardless of dollar value of contracts.

§ 591.5102 Delegations of authority.

(b) * * *

(1) SAOSA-71-1—Delegation of Authority to Approve the Publication of Advertisements, Notices or Proposals.

(4) SAOSA-71-6—Delegation of Authority to Lease Personal Property.

APPENDIX TO § 591.5102 DELEGATIONS OF AUTHORITY

Ref. No.: SAOAS-71-1 NOVEMBER 5, 1970.

DELEGATION OF AUTHORITY TO APPROVE THE PUBLICATION OF ADVERTISEMENTS, NOTICES OR PROPOSALS

1. Pursuant to Title 5, United States Code, Section 302(b) (2), and Section IV Part 8 of the Armed Services Procurement Regulation, I hereby delegate, without authority to redelegate further except as stated below, the authority to approve the publication of advertisements, notices or proposals in newspapers, subject to the limitations in 44 United States Code 321, 322, and 324, to: Heads of Procuring Activities with authority to redelegate to their Deputies, Principal Assistants Responsible for Procurement, or installation/activity commanders.

The Adjutant General.
Director of Civilian Personnel, U.S. Army.
Director of Personnel and Training, U.S. Army Materiel Command.
Chief, U.S. Army Audit Agency.
Chief, Personnel Administration, Office of the Chief of Engineers.
Commanding General, U.S. Army Recruiting Command.
Division Engineers, Corps of Engineers.
Commander, U.S. Army Safeguard System Evaluation Agency.

2. Procedures prescribed in Section IV Part 8 of the Armed Services Procurement Regulation shall be used in actions taken pursuant to this delegation of authority.

3. The foregoing delegation of authority becomes effective on December 1, 1970, and, as of that date, Delegation of Authority SAOAS-68-1, June 20, 1968, subject: Delegation of Authority to Approve the Publication of Advertisements, Notices or Proposals, is superseded without prejudice to any action taken pursuant thereto.

J. RONALD FOX,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-2 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO LEASE QUARTERS

1. I consider that it is advantageous to the United States to lease quarters under the control of the Department of the Army, not for the time needed for the public use, and not excess property (as defined by Title 40, United States Code, Section 472), to the States for use as quarters for State-paid employees of the National Guard upon the terms stated in paragraph 3 below, which I consider will promote the national defense or be in the public interest.

2. Under Title 10, United States Code, Section 2667, I hereby delegate to the Chief of Engineers, with the authority to redelegate further, the authority to lease, by negotiation, quarters within the scope of the considerations in paragraph 1 above.

3. Each lease under this delegation:

- May not be for more than 5 years;
- Shall permit the Secretary of the Army to revoke the lease at any time;
- Shall provide that the lessee will pay a fair monetary rental;
- Shall provide that the leased property will be used only as quarters for State-paid employees of the National Guard employed at the installation at which the quarters are located;
- Shall provide that the lessee will maintain the leased property in good condition and will return it at the expiration or termination of the lease in as good condition as that existing at the commencement thereof, or as subsequently improved under the terms of the lease, less ordinary wear and tear or within specified tolerance limits;

4. Shall provide that the lessee will pay a fair monetary rental;

5. Shall provide that the lessee will maintain the leased property in good condition and will return it at the expiration or termination of the lease in as good condition as that existing at the commencement thereof, or as subsequently improved under the terms of the lease, less ordinary wear and tear or within specified tolerance limits;

f. Shall provide that the lessee shall make no changes or alterations in the leased property except with the consent of the Government;

g. Shall provide that, if and to the extent that the leased property is later made taxable by State and local governments under an act of Congress, the lease shall be renegotiated; and

h. Shall recite that it is executed under the authority of Title 10, United States Code, Section 2667.

4. Leases of quarters not conforming to the above terms shall, prior to execution, be submitted to the Assistant Secretary of the Army (Installations and Logistics) for approval.

5. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/EIA-63-2, July 12, 1962, subject: Delegation of Authority to Lease Quarters Pursuant to Title 10, United States Code, Section 2667, is superseded without prejudice to any action taken pursuant thereto:

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-4 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO SETTLE PATENTS AND TECHNICAL INFORMATION CLAIMS

1. Under Section 606(b) of the Foreign Assistance Act of 1961 (75 Stat. 440; 22 U.S.C. 2356(b)) and Department of Defense Directive 2000.3, March 11, 1959, as amended, subject: International Interchange of Patent Rights and Technological Information, I hereby delegate to the Commanding General, U.S. Army Materiel Command and U.S. Army Strategic Communications Command, and to the Chief of Engineers, the authority to enter into agreements with claimants in full settlement and compromise of any claim against the United States under Section 606 (a) of the Foreign Assistance Act of 1961, subject to the requirements of Section IX, Army Procurement Procedure, and such other rules and regulations as higher echelons may promulgate from time to time.

2. The authority delegated in paragraph 1 may not be redelegated, except that the Commanding General, U.S. Army Materiel Command, may redelegate to the Commanders of his major subordinate commands only.

3. The foregoing delegation of authority becomes effective on 1 December 1966, and as of that date, Delegation of Authority, Ref.

No.: LOG/EIA-63-4, July 12, 1962, subject: Delegation of Authority Under Section 606 (b) of the Foreign Assistance Act of 1961 and Predecessors (Section 506 of the Mutual Security Act of 1954 (68 Stat. 852) and Section 517 of Mutual Security Act of 1951 (65 Stat. 382; 22 U.S.C. 1668(c)), is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOSA-71-6 NOVEMBER 5, 1970.

DELEGATION OF AUTHORITY TO LEASE PERSONAL PROPERTY

1. I consider that it is advantageous to the United States to lease personal property under the control of the Department of the Army, not for the time needed for the public use, and not excess property (as defined by Title 40, United States Code, Section 472), upon the terms stated in paragraph 3 below, which I consider will promote the national defense or be in the public interest.

2. Under Title 10, United States Code, Section 2667, I hereby delegate to each Head

of Procuring Activity, with authority to redelegate to a principal assistant of each such Head, without authority to redelegate further, the authority to lease personal property within the scope of the considerations in paragraph 1 above, provided that no Department of Defense owned production equipment (defined in Defense Mobilization Order 8555.1, July 15, 1968, 33 CFR 10143) may be leased for non-defense production without there first being obtained the approval of the Office of Emergency Planning for the lease of such equipment.

3. Each lease under this delegation:
 - a. May not be for more than 5 years;
 - b. Shall permit the Secretary of the Army to revoke the lease at any time;
 - c. Shall, with regard to all property subject to Part 6, Section XIII, Armed Services Procurement Regulations, be governed by the provisions thereof. With regard to all other personal property, each lease shall provide that the lessee will pay a fair monetary rental. Fair monetary rental shall be determined on the basis of prevailing commercial rates or computed in accordance with sound commercial accounting practices for the fixing of rental on such property including a return on capital investment and administrative cost as well as depreciation. Single or multiple shift operations as proposed by the lessee will be considered in establishing fair monetary rental. The rental shall, in any event, be such as to prevent the lessee from obtaining an unfair competitive advantage over competitors by reason thereof;
 - d. Shall provide that the lessee shall bear the expense of removing, packing, and shipping of the leased property and also the expense of returning and reinstalling the property or processing it for extended storage upon expiration or termination of the lease;
 - e. Shall provide that the lessee will maintain the leased property in good operating condition and will return it upon the expiration or termination of the lease in as good condition as that existing at the commencement thereof, as subsequently improved, or as it should have been improved under the terms of the lease, less ordinary wear and tear or within specified tolerance limits. However, leases of railway equipment may provide for assumption of maintenance responsibility by the lessor, provided also that mileage earnings shall be retained by the Government;
 - f. Shall provide that the lessee will make no changes or alterations in the leased property except with the consent of the Government;
 - g. Shall provide that, if and to the extent that the leased property is later made taxable by State or local governments under an act of Congress, the lease shall be renegotiated; and
 - h. Shall recite that it is executed under the authority of Title 10, United States Code, Section 2667.
4. Leases of personal property not conforming to the terms above shall, prior to execution, be submitted to the Assistant Secretary of the Army (Installations and Logistics) for approval.
5. The foregoing delegation of authority becomes effective on December 1, 1970 and, as of that date, Delegation of Authority, Ref. No.: SAOAS-67-6, October 28, 1966, subject: Delegation of Authority to Lease Personal Property, is superseded without prejudice to any action taken pursuant thereto.

J. RONALD FOX,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-7 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO CONTRACT FOR PUBLIC UTILITY SERVICES (POWER, GAS, WATER, AND COMMUNICATIONS) FOR PERIODS NOT EXCEEDING 10 YEARS

1. Under Department of Defense Directive 5100.32, November 9, 1962, subject: Delegation of Authority with Respect to Contracts for the Procurement of Public Utility Services, I hereby delegate (i) to the Chief of Engineers as the Department of the Army Power Procurement Officer, the authority to enter into contracts for public utility services (power, gas, and water), and (ii) to the Commanding General, U.S. Army Strategic Communications Command and U.S. Continental Army Command, the authority to enter into contracts for communications services, for periods extending beyond a current fiscal year but not exceeding 10 years under one or more of the following circumstances:

- a. Where there are obtained lower rates, larger discounts, or more favorable conditions of service than those available under contracts the firm term of which would not extend beyond a current fiscal year.
- b. Where connection or special facility charges payable under contracts the firm term of which would not extend beyond a current fiscal year are eliminated or reduced.
- c. Where the utility company refuses to render the desired service except under a contract the firm term of which extends beyond a current fiscal year.

2. The authority delegated in paragraph 1 above may be redelegated (i) with respect to contracts for power, gas, and water, to the Deputy Department of the Army Power Procurement Officer, and (ii) with respect to contracts for communications services to duly authorized representatives of the Commanding General, U.S. Army Strategic Communications Command and U.S. Continental Army Command.

3. This authority shall be exercised strictly in accordance with the applicable provisions of the "Statement of Areas of Understanding Between the Department of Defense and General Services Administration" entitled "Procurement of Utility Services (Power, Gas, Water)," 15 F.R. 8227 (1950), and "Procurement of Communication Services," 15 F.R. 8226 (1950).

4. Unless distribution thereof is inadvisable for reasons of security, copies of contracts executed under the authority of this delegation and other pertinent data and information with respect thereto shall be furnished to the General Services Administration.

5. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: SAOAS-64-7, March 24, 1964, subject: Authority to Contract for Public Utility Services (Power, Gas, Water, and Communications) for Periods Not Exceeding 10 Years, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-8 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO DENY REQUESTS FOR CONTRACTUAL ADJUSTMENT, TO APPROVE REQUESTS IN MISTAKE AND INFORMAL COMMITMENT CASES NOT IN EXCESS OF \$50,000, AND TO REFER REQUESTS TO THE ARMY CONTRACT ADJUSTMENT BOARD

1. Under the Act of August 28, 1958 (Public Law 85-804, 72 Stat. 972; 50 U.S.C. 1431-1435); Executive Order No. 10789, Novem-

ber 14, 1958, 23 F.R. 8897; and Section XVII of the Armed Services Procurement Regulation, I hereby delegate to each Head of Procuring Activity, with authority to redelegate to a principal assistant of each such Head and no further:

a. Authority to deny any request for contractual adjustment within the scope of Part 2, Section XVII, Armed Services Procurement Regulation;

b. Authority to make all determinations and findings required by the Act, Executive Order, and Regulation, and to approve, authorize and direct appropriate action, in those cases set forth as examples within the categories of mistake and informal commitment in paragraphs 17-204.3 and 17-204.4 of the Armed Services Procurement Regulation, subject to the limitations set forth in paragraph 17-205 thereof; and, where necessary to the exercise of this authority, authority to modify or release unaccrued obligations of any sort and to extend delivery and performance dates;

c. Authority to refer to the Army Contract Adjustment Board any case in which the Head of Procuring Activity (or any principal assistant to whom he has delegated the authority described in subparagraphs a and b above) determines that an appropriate contractual adjustment is justified but does not, under subparagraph b above, have authority to make the adjustment; and

d. Authority to refer to the Army Contract Adjustment Board for its determination, any doubtful or unusual cases under subparagraphs a or b above.

2. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/EIA-63-8, July 12, 1962, subject: Delegation of Authority to Deny Requests for Adjustment, to Approve Requests in Mistake and Informal Commitment Cases Under \$50,000, and to Refer Requests to the Army Contract Adjustment Board, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-10 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO SELL GOVERNMENT PROPERTY TO CONSTRUCTION CONTRACTORS IN CANADA, GREENLAND, ICELAND, THE AZORES, JOHNSTON ISLAND AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

1. Under the Act of August 28, 1958 (Public Law 85-804, 72 Stat. 972; 50 U.S.C. 1431-1435); Executive Order No. 10789, November 14, 1958, 23 F.R. 8897; and Section XVII of the Armed Services Procurement Regulation, I hereby delegate to the Chief of Engineers, without authority to redelegate further, the authority to approve contracts not in excess of \$50,000 for the sale of Government-owned construction material, equipment, and supplies to contractors under fixed-price military construction contracts in Canada, Greenland, Iceland, the Azores, Johnston Island, and the Trust Territory of the Pacific Islands, at cost to the Government plus transportation cost, if any, to the site, less an equitable reduction for depreciation in the case of used property.

2. A contract, or amendment or modification thereof, shall be entered into under paragraph 1 hereof only upon a written finding that the sale is made in connection with and will facilitate or expedite performance of a specific contract or work order for Defense procurement.

3. A contract, or amendment or modification thereof, shall be entered into under this delegation only if:

- a. The approving authority:
- (1) Finds that the action will facilitate the national defense;
 - (2) Deems that other legal authority in the Department to accomplish the sale is lacking or inadequate; and
 - (3) Deems that the use of the authority herein delegated is necessary and appropriate under all circumstances; and
- b. The requirements of Part 3, Section XVII, Armed Services Procurement Regulation, are otherwise met.
4. This authority does not apply to the sale of property subject to priorities or allocation under the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062), except where such sale is authorized under that Act or applicable regulations or orders thereunder.
5. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/EIA-63-10, July 12, 1962, subject: Delegation of Authority to Sell Government Property to Construction Contractors in Canada, Greenland, Iceland, the Azores, and to Construction Contractors on Johnston Island and the Trust Territory of the Pacific Islands Under Public Law 85-804 and Executive Order No. 10789, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-14 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO PROCURE ALCOHOL FREE OF TAX AND SPECIALLY DENATURED ALCOHOL

1. Under Title 26, Code of Federal Regulations, Sections 211.231 and 213.142 (1961), I hereby delegate to the Commanding General, U.S. Army Materiel Command; The Surgeon General; such of their principal assistants as may be named by them; and the Chief of Engineers, the authority to sign applications to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, for permits to procure Alcohol, Free of Tax, Form 1444, and Specially Denatured Alcohol, Form 1486.
2. The Director, Alcohol and Tobacco Division, Internal Revenue Service, is being advised of the above delegation. The names of any principal assistants named by the Commanding General, U.S. Army Materiel Command or by The Surgeon General shall be furnished in writing to the Director, Alcohol and Tobacco Division, Internal Revenue Service, Washington, D.C. 20224.
3. The foregoing delegation of authority becomes effective December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/EIA-63-14, July 12, 1962, subject: Authority to Procure Alcohol Free of Tax and Specially Denatured Alcohol, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-16 OCTOBER 28, 1966.

DELEGATION OF PRIORITIES AND ALLOCATIONS AUTHORITY: DO RATINGS AND ALLOTMENTS

1. Under Department of Defense Instruction 4405.11, January 6, 1964, as amended, subject: Delegation of Priorities and Allocations Authority: DO Ratings and Allotments, and in accordance with the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062); and Business and Defense Services Administration (BDSA) Delegation 1, I hereby delegate to the Deputy Chief of Staff for Logistics with authority to redelegate further, the authority:

- a. To apply or assign to others the right to apply DO ratings to contracts and delivery orders to meet Department of Defense (DOD) programs authorized for priorities support by the Office of Emergency Planning (OEP) or designated by OEP as eligible for priorities support through DOD.
- b. To assign the right to apply DO ratings to certain prime contractors or subcontractors on orders for delivery of production equipment specifically required to support authorized programs of the DOD or of such other specially designated programs.
- c. To assign the right to apply DO ratings to certain contractors on orders for delivery of construction equipment for use on construction in Alaska, Hawaii, or outside of the United States.
- d. To make allotments of controlled materials, and to apply or assign to others the right to apply allotment numbers to rateable contracts and delivery orders within the allotment jurisdiction of the Department of the Army.

2. The conditions for the use of this delegation are:

- a. Authority shall be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, recordkeeping and reporting requirements as may be issued from time to time by the Assistant Secretary of Defense (Installations and Logistics) (ASD (I&L)).
- b. The exercise of this authority shall conform to the terms of the regulations and orders of BDSA and to such priorities and allocations policy directions and procedures as may be issued in the DOD Priorities and Allocations Manual (PAM).
- c. The authority delegated in paragraph 1 above may be redelegated only within the Department of the Army. Any other redelegation shall require the prior written approval of ASD (I&L).
- d. Allotment authorities in support of the Aircraft (A-1) Program shall be exercised jointly by procuring departments through a joint activity.

3. The Office of the Deputy Chief of Staff for Logistics is designated as the office responsible for administering the priorities and allocations functions within the Department of the Army and shall be responsible for ensuring compliance by all Department of the Army components in the use of priorities and allocations authority which are delegated to them.

4. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority Ref. No.: LOG/E2-63-16, July 12, 1962, subject: Delegation of Priorities and Allocations Authority: DO Ratings and Allotments, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-17 OCTOBER 28, 1966.

DELEGATION OF PRIORITIES AND ALLOCATIONS AUTHORITY: DX RATINGS AND ALLOTMENTS

1. Under Department of Defense Instruction 4405.12, January 6, 1964, as amended, subject: Delegation of Priorities and Allocations Authority: DX Ratings and Allotments, and in accordance with the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062); and Business and Defense Services Administration (BDSA) Delegation 1, I hereby delegate to the Deputy Chief of Staff for Logistics with authority to redelegate further, the authority to apply or assign to others the right to apply

DX ratings and allotment numbers to contracts and delivery orders for programs approved by the Office of Emergency Planning (OEP) as of the highest national priority.

2. The conditions for use of this delegation are:

- a. The DX program rating and allotment authority is limited to:
 - (1) Contracts and orders identifiable to programs of the highest national priority, as listed in the Department of Defense Master Urgency List.
 - (2) Contracts and orders to which rating and allotment numbers may be applied or assigned under the Delegation of Priorities and Allocations Authority: DO Ratings and Allotments.

b. Authority shall be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, record-keeping and reporting requirements as may be issued from time to time by the Assistant Secretary of Defense (Installations and Logistics) (ASD (I&L)).

c. The exercise of this authority shall conform to the terms of the regulations and orders of the BDSA and to such priorities and allocations policy directives and procedures as may be issued in the DOD Priorities and Allocations Manual (PAM).

d. The authority delegated in paragraph 1 above may be redelegated only within the Department of the Army. Any other redelegation shall require the prior written approval of ASD (I&L).

3. The Office of the Deputy Chief of Staff for Logistics is designated as the office responsible for ensuring compliance by all Department of the Army components in the use of the DX authority delegated to them.

4. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/E2-63-17, July 12, 1962, subject: Delegation of Priorities and Allocations Authority: DX Ratings and Allotments, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-18 OCTOBER 28, 1966.

DELEGATION OF PRIORITIES AND ALLOCATIONS AUTHORITY: RESCHEDULING DELIVERIES

1. Under Department of Defense Instruction 4405.13, May 24, 1960, as amended, subject: Delegation of Priorities and Allocations Authority: Rescheduling Deliveries, and in accordance with the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062); and Business and Defense Services Administration (BDSA) Delegation 1, I hereby delegate to the Deputy Chief of Staff for Logistics with authority to redelegate further, the authority to reschedule deliveries of materials which are required in support of the Aircraft (A-1) and Tank Automotive (A-4) Programs.

2. The conditions for use of this delegation are as follows:

- a. The authority delegated in paragraph 1 above shall be limited to rescheduling deliveries on rated orders or authorized controlled materials orders:
 - (1) Bearing the A-1 or the A-4 Program identification, and
 - (2) Issued by or pursuant to the authority of the Department of the Army, or, if not, that the rescheduling is requested or occurred in by the Department or associated agency under whose authority they were issued.

b. Rescheduling of delivery may be directed only if it requires no change in the production schedule of the person making the delivery.

c. The rescheduling authority shall be so exercised as to support decisions on relative urgencies reflected in the Department of Defense Master Urgency List, based on realistic needs to meet approved schedules.

d. The exercise of this authority shall conform to the terms of the regulations and orders of BDSA and to such priorities and allocations policy directives and procedures as may be issued in the DOD Priorities and Allocations Manual (PAM).

e. The authority delegated in paragraph 1 above may be redelegated only within the Department of the Army and only to that activity within the Department of the Army which is to act as its central delivery rescheduling unit for a program. Any other redelegation shall require the prior written approval of the Assistant Secretary of Defense (Installations and Logistics) (ASD (I&L)).

3. The Office of the Deputy Chief of Staff for Logistics is designated as the office responsible for ensuring compliance by all Department of the Army components in the use of the rescheduling authority delegated to them.

4. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/E2-63-18, July 12, 1962, subject: Delegation of Priorities and Allocations Authority: Rescheduling Deliveries, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

SAOSA-69-19 JUNE 27, 1969.

DELEGATION OF AUTHORITY ON LABOR
RELATIONS MATTERS, MILITARY FUNCTIONS

1. Under Part 5, Subtitle A, Title 29, Code of Federal Regulations, and paragraphs 18-7042(a)(5) and 18-704.16, Armed Services Procurement Regulation, I hereby delegate to the Chief of Engineers:

a. Authority to submit a written request to the Solicitor of Labor for an extension of the expiration date of a wage determination when, due to unavoidable circumstances, a wage determination expires after bid opening but before award and upon the delegee finding that an extension is in the public interest to prevent injustice, undue hardship, or serious impairment of the conduct of Government business.

b. Authority to recommend to the Solicitor of Labor that liquidated damages in excess of \$100 be waived or adjusted upon the delegee finding that such liquidated damages administratively determined to be due the Government under section 104(a) of the Contract Work Hours Standards Act are incorrect or that the violation by the contractor or subcontractor of the Contract Work Hours Standards Act was nonwillful or inadvertent and occurred notwithstanding the exercise of due care by the contractor or subcontractor.

c. Authority to waive or adjust liquidated damages of \$100 or less upon the delegee finding that such liquidated damages administratively determined to be due the Government under section 104(a) of the Contract Work Hours Standards Act are incorrect or that the violation by the contractor or subcontractor of the Contract Work Hours Standards Act was nonwillful or inadvertent and occurred notwithstanding the exercise of due care by the contractor or subcontractor.

2. The Chief of Engineers may redelegate the authority in a. and b. above to a designee

at a level no lower than the Head of Procuring Activity and may redelegate the authority in c. above to a designee at a level no lower than a District Engineer.

3. The foregoing delegation of authority becomes effective on August 1, 1969, and, as of that date, Delegation of Authority on Labor Relations Matters, Military Functions, SAOAS-67-19, August 16, 1967, is superseded without prejudice to any action taken pursuant thereto.

J. RONALD FOX,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-68-20 SEPTEMBER 11, 1968.

DELEGATION OF AUTHORITY TO CERTIFY AS JUST
AND REASONABLE INDEMNIFICATION CLAIMS
NOT EXCEEDING \$50,000.00

Pursuant to the authority contained in the Act of August 28, 1958 (Public Law 85-804, 50 U.S.C. 1431) and Executive Order No. 10789, dated November 14, 1958, and under Section XVII of the Armed Services Procurement Regulation, I hereby delegate to the Commander in Chief, United States Army, Pacific, without authority to redelegate further, the authority to certify as just and reasonable payments of amounts not to exceed \$50,000.00 for claims received from contractors in the Republic of Vietnam which have been submitted pursuant to the indemnification clause of their contracts.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

PART 592—PROCUREMENT BY
FORMAL ADVERTISING

2. Section 592.406-3(b) is revised, as follows:

§ 592.406-3 Other mistakes.

(b) Authority is delegated to the individuals named in § 2.406-3(b)(1) of this title to make determinations described in § 2.406-3(a)(2), (3), and (4) of this title. Contracting officers shall submit cases for determination by the Deputy or Assistant Deputy for Procurement, OASA (I&L), directly to the addressee in § 591.150(b)(6) of this chapter, concurrently furnishing the cognizant head of procuring activity an information copy.

PART 593—PROCUREMENT BY
NEGOTIATION

3. Sections 593.213-2(e) and 593.213-5 are amended; and § 593.1150 is added, as follows:

§ 593.213-2 Application.

(e) When redesign or redesignation of a standardized model will not affect interchangeability of parts of the new and old models, the standardization file of the cognizant head of procuring activity and the Director of Requirements and Procurement, U.S. Army Materiel Command, shall reflect a revision of the original standardization approval, supported by a determination of the head of procuring activity that cancellation of standardization is not warranted. When,

for any reason, the head of procuring activity or the Director of Requirements and Procurement conclude that an approved standardization should be canceled, written notification shall be given promptly to the addressee in § 591.150 (b)(6) of this chapter (see § 591.150(d)). Consideration shall be given to cancellation when, after standardization, the quantity in the Army supply system of one or more of the selected suppliers falls below 15 percent, but cancellation is not required unless it reasonably appears that in future negotiated procurements such supplier(s) will not be able to offer effective competition. Nevertheless, when the quantity of one or more of the selected supplies falls below 15 percent, standardization shall not be continued beyond one procurement except for the most compelling reasons.

§ 593.213-5 Records and reports.

The Director of Requirements and Procurement, U.S. Army Materiel Command, is responsible for maintaining records pursuant to § 3.213-5 of this title.

§ 593.1150 Distribution of solicitation documents and orders.

(a) Under the provisions of Public Law 89-306, the General Services Administration has been authorized and directed to coordinate and provide for the economic and efficient purchase, lease, and maintenance of ADPE by Federal agencies. Pursuant to this responsibility and authority, GSA has directed that copies of all solicitation documents and purchase/delivery orders or contracts issued for the acquisition of ADPE, software, or maintenance services, be forwarded to

Director, ADP Procurement Division, Office of Automated Data Management Services—FTP, Federal Supply Service, General Services Administration, Washington, DC 20405.

(b) Two copies of the solicitation document and any subsequent amendments thereto, shall be forwarded as soon as available but in no event later than the date of issuance to industry.

(c) One copy of the purchase/delivery order or contract shall be forwarded upon issuance.

PART 594—SPECIAL TYPES AND
METHODS OF PROCUREMENT

4. The table of contents to Part 594 is changed to reflect the addition of new Subpart H, and new Subpart H is added, as follows:

Subpart H—Paid Advertisements in Newspapers,
Magazines, Trade Journals, and Any Other
Media (Including Radio and Television)

Sec.	
594.802	Authority and delegation to place advertisements.
594.802-1	Authority and delegation.
594.802-2	Request for authority to place advertisement.
594.850	Advertisements for recruitment of civilian personnel.

AUTHORITY: The provisions of this Subpart H issued under secs. 2301-2314, 3012, 70A Stat. 127-133, 157; 10 U.S.C. 2301-2314, 3012.

Subpart H—Paid Advertisements in Newspapers, Magazines, Trade Journals, and Any Other Media (Including Radio and Television)

§ 594.802 Authority and delegation to place advertisements.

§ 594.802-1 Authority and delegation.

The Assistant Secretary of the Army (Installations and Logistics) has delegated to heads of procuring activities and to certain other delegates, the authority to approve the publication of paid advertisements in newspapers (see § 591.5102 of this chapter).

§ 594.802-2 Request for authority to place advertisement.

Within the Department of the Army DD Form 1535 is not required as authority to place advertisements in media other than newspapers.

§ 594.850 Advertisements for recruitment of civilian personnel.

Policies with respect to use of paid advertising in recruitment of civilian personnel are contained in Subchapter 1, Federal Personnel Manual [FPM] 332 and are implemented in Department of the Army Civilian Personnel Regulation [CPR] 332, Subchapter 1.

PART 597—CONTRACT CLAUSES

5. Section 597.1651 is amended, as follows:

§ 597.1651 Commercial warehousing and related services.

(a) Chapter 10, DOD Regulation 4500.34-R, governs the commercial warehousing and related services for household goods for military and civilian personnel (see § 606.551 of this chapter).

(b) Ordering officers may be appointed pursuant to § 591.452 of this chapter to place service orders under such contracts. Instructions in Chapter 10, DOD Regulation 4500.34-R, shall be followed in placing service orders and ordering officers shall not be authorized to change terms and conditions of contracts in any way.

PART 598—TERMINATION OF CONTRACTS

6. Section 598.202 is amended, as follows:

§ 598.202 Prior clearance of significant contract terminations.

Reports Control Symbol SAOSA-62 has been assigned the reporting requirement in § 8.202 of this title for purchasing offices within the Department of the Army. This report does not apply to overseas contracts.

PART 599—PATENTS, DATA, AND COPYRIGHTS

7. Sections 599.107 and 599.107-4 are added, as follows:

§ 599.107 Patent rights under contracts for research and development.

§ 599.107-4 Procedures.

Requests for approval of patents policies of universities and nonprofit institutions, pursuant to § 9.107-4(c)(2) of this title, shall be forwarded to the addressee in § 591.150(b)(6) of this chapter (see § 591.150(d)).

PART 600—BONDS, INSURANCE, AND INDEMNIFICATION

8. Subpart A is revised, as follows:

Subpart A—Bonds

Sec. 600.105	Other types of bonds.
600.105-1	Advance payment bonds.
600.112	Substitution of surety bonds.
600.113	Execution and administration of bonds and consents of surety.

AUTHORITY: The provisions of this Subpart A issued under secs. 2301-2314, 3012, 70A Stat. 127-133, 157; 10 U.S.C. 2301-2314, 3012.

Subpart A—Bonds

§ 600.105 Other types of bonds.

§ 600.105-1 Advance payment bonds.

A requirement for an advance payment bond shall be established only in the most exceptional circumstances. When a head of procuring activity considers an advance payment bond desirable, a recommendation to that effect with justification as to the penal sum thereof shall be forwarded to the addressee in § 591.150(b)(5) of this chapter (see § 591.150(d)).

§ 600.112 Substitution of surety bonds.

Requests for approval of acceptance of a new surety bond for a bond previously approved shall be forwarded to The Judge Advocate General, Attention: Bonds Branch, Department of the Army, Washington, D.C. 20310.

§ 600.113 Execution and administration of bonds and consents of surety.

(a) The original of all surety bonds, except those listed in paragraph (d) of this section shall be forwarded immediately after execution to the addressee in § 600-110. If the bond was required in support of a contract or modification thereof, the original signed bond shall be attached to the original signed contract or modification, as appropriate. If it is not practicable to forward the original contract or modification, a signed duplicate or an authenticated copy thereof shall be attached to the original bond.

(b) The Judge Advocate General shall examine each bond as to legal sufficiency, including proper form and execution, the authority of corporate officials who execute bonds on behalf of corporate sureties, and compliance by individual sureties with § 10.201-2 of this title. The Judge Advocate General shall then forward the bond, together with any attached contract or modification thereof which it supports, to the proper office for filing. The duplicate bond shall be re-

tained and filed in the office to which it pertains or which authorized its acceptance. See § 600.202 for use of options in lieu of sureties.

(c) Consents of surety shall be handled in the same manner as bonds, except that, for more expeditious handling, they may be forwarded without the surety's signature to The Judge Advocate General for execution under the Expediter Plan and for approval.

(d) The following bonds should be reviewed at local level and shall not be forwarded to The Judge Advocate General—

(1) Payment and performance bonds for contracts not exceeding \$20,000;

(2) Blanket fidelity and forgery bonds;

(3) Bid bonds (except annual bid bonds);

(4) Subcontractor bonds;

(5) Permit bonds; and

(6) Nonappropriated fund activity bonds (except payment and performance bonds for construction contracts exceeding \$20,000).

PART 602—LABOR

9. Sections 602.105 and 602.105-3 are revoked; a new Subpart H is added as follows:

§ 602.105 [Revoked]

§ 602.105-2 [Revoked]

Subpart H—Equal Employment Opportunity

§ 602.805 Exemptions.

Requests for exemption from the Equal Opportunity clause made pursuant to § 12.805 (d)(2) and (e)(4) of this title shall be forwarded, together with detailed justification therefor, through the cognizant head of procuring activity, to the addressee in § 591.150(b)(6) of this chapter (see § 591.150(d)). Each intervening level of authority through which the request for exemption is forwarded shall add its recommendation in the matter.

PART 606—PROCUREMENT FORMS

10. Section 606.551 is amended, as follows:

§ 606.551 Commercial warehousing and related services for household goods.

(a) DD Form 1162, Basic Agreement for Storage of Household Goods and Related Services, shall be used in accordance with instructions in Chapter 10, DOD Regulation 4500.34-R.

(b) DD Form 1164, Service Order for Household Goods, shall be used to place orders under Basic Agreements in accordance with instructions in Chapter 10, DOD Regulation 4500.34-R (see also §§ 591.452-1 and 597.1651 of this chapter).

[Rev. 5, Mar. 1, 1971] (secs. 2301-2314, 3012, 70A Stat. 127-133, 157; 10 U.S.C. 2301-2314, 3012)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc. 71-6791 Filed 5-14-71; 8:47 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

Variation of Labor Standards on Veterans' Administration Contracts With Nursing Homes for Care of Veteran-Patients

On page 3472 of the FEDERAL REGISTER of February 25, 1971, there was published a proposed amendment to 29 CFR 5.14 providing for a variation of the Contract Work Hours and Safety Standards Act provisions in Veterans' Administration contracts with nursing homes for care of veteran-patients. Interested persons were given 30 days in which to submit written data, views, or arguments relative to the proposal.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

As this variation from the overtime provisions of the Contract Work Hours and Safety Standards Act is necessary in the public interest to avoid the serious impairment of the conduct of Government business, this amendment shall be effective on publication in the FEDERAL REGISTER (5-15-71).

This amendment also reflects—in the heading and in the text—the change in the name of the Act as amended by section 2 of Public Law 91-54 (August 9, 1969) by inserting "and Safety" after "Hours".

Signed at Washington, D.C., this 10th day of May 1971.

HORACE E. MENASCO,
Administrator of
Employment Standards.

Part 5 of Title 29, Code of Federal Regulations, is amended by adding a new subparagraph (3) of § 5.14(d), reading as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

(d) Variations * * *

(3) In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans, no contractor or subcontractor under such contract shall be deemed in violation of section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 8 hours in any calendar day or 40 hours in the workweek to any individual em-

ployed by an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises, if such individual receives compensation for employment in excess of 48 hours in any workweek at a rate not less than 1½ times the regular rate at which he is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended. This variance is found necessary and proper and in the public interest to avoid serious impairment of the conduct of Government business.

(Sec. 105, 76 Stat. 359; 40 U.S.C. 331, S.O. Order No. 20-70, 36 F.R. 305)

[FR Doc.71-6733 Filed 5-14-71; 8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5053]

[ES 6149]

ARKANSAS

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

OUACHITA NATIONAL FOREST
FIFTH PRINCIPAL MERIDIAN

T. 2 S., R. 23 W.,
Sec. 23, E½;
Sec. 24, N½, N½S½, SE¼SW¼;
Sec. 25, NE¼NW¼;
Sec. 26, NW¼NE¼.

The lands described aggregate 920 acres in Montgomery County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.
MAY 7, 1971.

[FR Doc.71-6777 Filed 5-14-71; 8:46 am]

[Public Land Order 5054]

[Utah 12146]

UTAH

Addition to National Forest

By virtue of the authority vested in the President by section 24 of the Act of

March 3, 1891, 26 Stat. 1103, 16 United States Code section 471 (1964), section 1 of the Act of June 4, 1897, 30 Stat. 34, 36, 16 U.S.C. section 473 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the boundaries of the Wasatch National Forest are hereby extended to include the following described acquired lands, which shall become subject to all laws and regulations applicable to the Wasatch National Forest, upon the completion of the transfer of the jurisdiction thereof from the Department of Defense to the Department of Agriculture:

SALT LAKE MERIDIAN

T. 1 S., R. 1 E.,
Sec. 2, SE¼SW¼, S½SE¼.

The areas described aggregate 120 acres in Salt Lake County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 7, 1971.

[FR Doc.71-6778 Filed 5-14-71; 8:46 am]

[Public Land Order 5055]

[Sacramento 4056]

CALIFORNIA

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SIX RIVERS NATIONAL FOREST
HUMBOLDT MERIDIAN
Red Cap Recreation Area

T. 10 N., R. 5 E.,
Sec. 14, N½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, S½NE¼SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, S½NW¼SE¼NW¼, N½SW¼SE¼NW¼, NE¼SE¼NW¼, N½SE¼SE¼NW¼, NW¼NW¼NW¼SW¼;
Sec. 15, SE¼SE¼NE¼, N½NE¼NE¼SE¼.

The areas described aggregate approximately 70 acres in Humboldt County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 7, 1971.

[FR Doc.71-6779 Filed 5-14-71; 8:46 am]

[Public Land Order 5056]

[Arizona 031694]

ARIZONA**Partial Revocation of Reclamation Withdrawals**

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 32 Stat. 388, 43 U.S.C. sec. 416 (1964), it is ordered as follows:

The departmental order of March 14, 1929, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described land:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 16 W.,
Sec. 10, S $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described aggregates 80 acres in Yuma County.

Title to the land is vested in the State of Arizona.

HARRISON LOESCH,

Assistant Secretary of the Interior.

MAY 7, 1971.

[FR Doc. 71-6780 Filed 5-14-71; 8:46 am]

[Public Land Order 5057]

[New Mexico 12226]

NEW MEXICO**Correction of Public Land Order No. 5032**

The land description in Public Land Order No. 5032 of March 19, 1971, appearing in 36 F.R. 5849-50 of the issue of March 30, 1971, partially revoking a stock driveway withdrawal, so far as it refers to "T. 13 N., R. 4 E.", in paragraph 2 of said order, is hereby corrected to read "T. 13 N., R. 4 E."

HARRISON LOESCH,

Assistant Secretary of the Interior.

MAY 7, 1971.

[FR Doc. 71-6781 Filed 5-14-71; 8:46 am]

Title 45—PUBLIC WELFARE**Chapter I—Office of Education, Department of Health, Education, and Welfare****PART 119—FEDERAL FINANCIAL ASSISTANCE FOR STRENGTHENING STATE DEPARTMENTS OF EDUCATION****Miscellaneous Amendments**

The following amendments to Part 119 are issued to reflect the amendments to the Elementary and Secondary Education Act of 1965 (Public Law 89-10), Part A, Title V, which are contained in Public Law 91-230.

1. In § 119.1, paragraph (h) is revoked and paragraph (i) is amended to read as follows:

§ 119.1 Definitions.

*(h) [Revoked]

(i) "Project period" means the total period of time for which a special project is approved for support with funds under Title V-A of the Act.

*(20 U.S.C. 865)

2. In § 119.2, paragraphs (a) and (b) are amended to read as follows:

§ 119.2 State applications.

(a) *Purpose and content.* The principal condition for a basic grant of Federal funds apportioned to a State under title V-A of the Act is the submission by the State through the State educational agency of an application to the Commissioner. Any State desiring to receive a basic grant shall submit an application for each fiscal year on such date as the Commissioner may fix, and in accordance with such procedures as the Commissioner may prescribe.

(b) *Submission and approval.* An application and all amendments thereto shall be submitted to the Commissioner for his approval by a duly authorized officer of the State educational agency. The application shall indicate the official or officials authorized to submit application material. If found by the Commissioner to be in conformity with the provisions and purposes of the Act and the regulations in this part, the application for that fiscal year will be approved subject to the limits of available appropriations. The Commissioner will not finally disapprove an application, or any modification thereof, except after reasonable notice and opportunity for a hearing has been afforded to the State educational agency. An approved application shall form the basis for making payments to a State under title V-A of the Act.

*(20 U.S.C. 864, 869)

3. In § 119.5, paragraph (b) is amended to read as follows:

§ 119.5 Supplementation of State effort.

(b) In determining whether the assurance referred to in paragraph (a) of this section is adequate, the Commissioner may request additional data from the applicant such as: (1) The amount of State funds (including, in the case of programs supported by Federal funds, the State share of all expenditures pursuant to such programs) to be expended by the State educational agency for activities which meet the conditions of section 503 of the Act and §§ 119.2 and 119.3 as compared with (2) the amount of State funds expended by the State educational agency in the preceding fiscal year or years, as appropriate, for such activities, with allowances for unusual capital expenditures, such as the acquisition of data processing or other major items of equipment, and adjustments to reflect changes in the scope of the re-

sponsibilities of the State educational agency.

*(20 U.S.C. 864)

4. Section 119.6 is amended to read as follows:

§ 119.6 State fiscal management.

The application shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State pursuant to the application, including any such funds paid by the State to agencies, institutions, and organizations for the purpose of carrying out activities under title V-A of the Act. Subject to the provisions of § 119.44, such fiscal management shall be in accordance with applicable State laws, policies, and procedures. Accounts and supporting documents relating to any application involving Federal financial participation shall be adequate to permit an accurate and expeditious audit.

*(20 U.S.C. 864)

5. Section 119.7 is amended to read as follows:

§ 119.7 Reports.

The application shall provide that the State educational agency will periodically consult with the Commissioner, make such reports to the Commissioner, at such time, and in such form, and containing such information, as he may consider reasonably necessary to perform his duties under the Act, and comply with such provisions as the Commissioner may find reasonably necessary to assure the correctness and verification of such reports. Such reports shall include, but not be limited to, a report from each State for each fiscal year of such State's participation in title V-A of the Act, which report provides information on all programs (including but not limited to title V-A activities) conducted by the State educational agency during that fiscal year.

*(20 U.S.C. 864)

6. In § 119.8, the first paragraph is amended to read as follows:

§ 119.8 Federal payments.

Subject to the authority of the Commissioner to make reapportionments or to transfer apportionments pursuant to section 502(b) of the Act and §§ 119.9 and 119.10, and subject also to any withholding of payments by the Commissioner pursuant to section 551(b) of the Act and § 119.46(a), the Federal Government will pay from each State apportionment the sums expended by each State educational agency in accordance with title V-A of the Act, the regulations in this part, and its approved application. Such payments will be made in installments in advance on the basis of estimated expenditures or by way of reimbursement of actual costs incurred, with appropriate adjustments for underpayments or overpayments for actual

expenditures in any prior period. Such payments will be made available to the States after:

(20 U.S.C. 869, 1232d)

7. In § 119.9, paragraph (a) is amended to read as follows:

§ 119.9 Reapportionment.

Pursuant to section 502(b) (1) of the Act:

(a) The amount apportioned to any State for any fiscal year under section 502(a) of the Act which the Commissioner determines will not be required for that year shall be available for reapportionment, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned to such other States for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner determines the State needs or will be able to use for that year.

(20 U.S.C. 862)

8. Section 119.24 is amended to read as follows:

§ 119.24 Payment procedures.

Payments pursuant to special project grants may be made available in installments, and in advance on the basis of estimated expenditures, or by way of reimbursement of actual costs incurred in carrying out the approved project, with appropriate adjustments for underpayments or overpayments in any prior period.

(20 U.S.C. 1232d)

9. Section 119.27 is amended to read as follows:

§ 119.27 Publications.

Material produced as a result of any special project supported with grants under title V-A of the Act may be published without prior review by the Commissioner. Such published material, however, shall include an acknowledgment of Federal assistance through such grants. Copies of any material so produced shall be furnished to the Commissioner.

(20 U.S.C. 865)

10. Section 119.40 is amended to read as follows:

§ 119.40 Minor deviations.

Minor deviations from the approved application are permitted without the necessity for an approved amendment or revision where (a) they do not result in expenditures in excess of the total amount granted, (b) there is not any material change in the content or the administration of the approved application, (c) expenditures are otherwise made in accordance with, and for kinds of expenditures authorized in, the approved application, and (d) such deviations will not cause a more than 15 percent variation in the total amounts for

any line or column total in the approved budget.

(20 U.S.C. 863)

11. Section 119.41 is amended to read as follows:

§ 119.41 Effective date of application, amendment or revision.

The effective date of any approved application, amendment or revision shall not be earlier than the date on which it is received by the Commissioner in substantially approvable form. No funds under title V-A of the Act may be used for the payment of obligations incurred prior to the effective date of the approved application, amendment, or revision.

(20 U.S.C. 864)

12. Paragraphs (a) and (c) of § 119.42 are amended to read as follows:

§ 119.42 Period for which an application will be approved.

(a) *Basic grants.* Since a project application is approved only for a period covering a fiscal year, funds granted to a State pursuant to §§ 119.2, 119.9, and 119.10 shall be available only for expenditures for which the application was approved and which are made during the fiscal year for which such funds are made available, except as otherwise specifically permitted by statute.

(c) *Obligations and payments.* The approval of the application pursuant to § 119.2 or § 119.23 will be regarded as an obligation of the Government of the United States in the amount of the approved application. Except as otherwise specifically permitted by statute, Federal funds so obligated will remain available for expenditure by grantees during the fiscal year for which the Federal grant funds are made available or, in the case of special projects, for the period for which the application is approved. All payments made with respect to the grant shall remain available for such a period. In the case of a special project grant, such a period may be extended by revision of the project application pursuant to § 119.25.

(20 U.S.C. 1225(b), 31 U.S.C. 200)

13. Section 119.44 is amended to read as follows:

§ 119.44 Expenditures by grantees.

The expenditure of funds under title V-A of the Act will be deemed to have occurred at the entering into of binding commitments for the acquisition of goods or property or for the performance of work, except that the use of funds for personal services, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be deemed to have occurred at the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(31 U.S.C. 200)

14. Section 119.45 is amended to read as follows:

§ 119.45 Liquidation of obligations.

Obligations entered into by a grantee and payable out of funds under title V-A of the Act shall be liquidated within one year following the fiscal period for which such funds are made available for use by such grantee unless the Commissioner extends the time for so liquidating obligations on the basis of a request from the State agency. Such request must be made prior to the end of the initial period for liquidating obligations.

(31 U.S.C. 200)

15. Section 119.47 is amended to read as follows:

§ 119.47 Arrangements with individuals or other organizations.

(a) In carrying out activities under title V-A of the Act, the grantee may not transfer to others responsibility in whole or in part for the use of grant funds or for the conduct of such activities, but may enter into contracts or arrangements with others for carrying out a portion of any such activity. Such contracts or arrangements shall (1) be in writing, (2) incorporate by reference all requirements of the Act, the regulations in this part, the approved application of the grantee, and the grant conditions, (3) constitute a reasonable and prudent use of grant funds, (4) provide that funds received pursuant to title V-A of the Act and paid by the grantee to the other party to the contract or arrangement will be used only for costs incurred by such other party in carrying out its portion of an activity, and (5) provide that such other party will account to the grantee for all grant funds received from the grantee.

(b) In applying for a grant under title V-A of the Act, the applicant shall indicate in the application for such grant any intention it may have of entering into contracts or other arrangements with individuals or organizations to conduct a portion of any activity proposed in the application. The grantee shall not enter into any such contract or arrangement unless the intention to do so is included in the approved application or an approved amendment or revision thereto.

(20 U.S.C. 863)

16. Section 119.48 is amended to read as follows:

§ 119.48 Fiscal audits and program reviews.

(a) To assist the grantee in adhering to statutory requirements and to the substantive legal and administrative provisions of the approved application, the Commissioner will conduct periodic reviews of the grantee's administrative and programmatic activities under title V-A of the Act.

(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the

grantee that are pertinent to the grant received under title V-A of the Act.

(20 U.S.C. 869, 1232c)

17. In § 119.49, paragraph (a) is amended to read as follows:

§ 119.49 Records management.

(a) *General rule.* The grantee shall provide for keeping intact and accessible to the Secretary of Health, Education, and Welfare and the Comptroller General of the United States all records supporting claims for funds under title V-A of the Act or relating to the accountability of the grantee for expenditures of such funds for 3 years after the end of the period for which such funds were made available for expenditure. If, by the end of that 3 years, an audit by or on behalf of the Department has not occurred, the records must be retained until audit or until 5 years following the end of the period for which such funds were made available, whichever is earlier.

(20 U.S.C. 864, 1232c)

18. Section 119.50 is amended to read as follows:

§ 119.50 Grantee accountability.

In accordance with procedures established by the Commissioner, a grantee receiving a grant under Title V-A of the Act shall, upon the expiration of title V-A of the Act or upon termination of any such grant, render a full accounting of all grant funds paid to it and refund to the Commissioner any overpayment which might have been made, as determined by such an accounting.

(20 U.S.C. 864, 1232d)

19. Section 119.51 is amended to read as follows:

§ 119.51 Allowable expenditures.

Federal funds granted under title V-A of the Act may be used for such reasonable and otherwise allowable expenditures as are necessary to carry out the activities for which the grants are made. Such expenditures may include: (a) Salaries, travel, and other expenses of professional personnel and supporting staff for time spent on activities reasonably related to the activities for which the grants are made, including payments for leave and employers' contributions to retirement, workmen's compensation, and other welfare funds, which are available under applicable laws to one or more general classes of the State agency or the grantee employees; (b) fees and approved expenses of consultants, advisory committees, and other persons or groups acting in an advisory capacity to the grantee in carrying out such activities; (c) acquisition, maintenance and repair of equipment (including minor remodeling), and acquisition of supplies and materials to the extent they are directly used or consumed in carrying out such activities; and (d) other expenses

(except those for the acquisition of land or the acquisition, construction, or alteration of buildings) to the extent that they are directly attributable to such activities. Allowable expenses shall be computed in accordance with plans submitted by the State and approved by the Department pursuant to Office of Management and Budget Circular No. A-87 and implementing instructions of the Department.

(20 U.S.C. 863)

20. Section 119.52 is amended to read as follows:

§ 119.52 Copyrights.

Any material of a copyrightable nature produced through a project approved by the Commissioner under title V-A of the Act shall not be copyrighted, but shall be placed in the public domain unless, at the request of the grantee and upon a showing that it will result in more effective development or dissemination of the material and would otherwise be in the public interest, the Commissioner authorizes arrangements for the copyright of the material for a limited period of time.

(20 U.S.C. 2)

In accordance with section 421 of the General Education Provisions Act (20 U.S.C. 1232), the foregoing amendments will become effective 30 days following the date of their publication in the *FEDERAL REGISTER*.

Dated: March 23, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: May 6, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

[FR Doc. 71-6804 Filed 5-14-71; 8:48 am]

**PART 140—FEDERAL ASSISTANCE
FOR IMPROVEMENT OF STATISTICAL
SERVICES OF STATE EDUCATIONAL
AGENCIES**

Revocation

In view of the expiration of legislative authority under section 1009 of the National Defense Education Act (20 U.S.C. 589) for Federal assistance for improvement of statistical services of State educational agencies, Part 140 of Chapter I of Title 45 of the Code of Federal Regulations is revoked.

Dated: April 12, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: May 10, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

[FR Doc. 71-6803 Filed 5-14-71; 8:48 am]

Title 49—TRANSPORTATION

**Chapter X—Interstate Commerce
Commission**

**SUBCHAPTER A—GENERAL RULES AND
REGULATIONS**

[S.O. 1073]

PART 1033—CAR SERVICE

**Soo Line Railroad Co. Authorized To
Operate Over Certain Trackage of
Burlington Northern, Inc.**

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 10th day of May 1971.

It appearing, that the Burlington Northern Inc., in Finance Docket No. 21478, was required to admit the Soo Line Railroad Co. to the use of its Allouez iron ore docks and yards, together with necessary trackage of the Burlington Northern Inc., between these docks and a point of connection between these companies at Saunders, all in the vicinity of Superior, Wis.; that the iron ore docks of the former Northern Pacific Railway Co., now part of Burlington Northern Inc., and formerly used by the Soo Line Railroad Co., are no longer in an operating condition; that the Commission is of the opinion that there is need for the railroad services of the Soo Line Railroad Co. in transporting iron ore to docks on Lake Superior at Superior, Wis., for transloading to lake vessels; that use by the Soo Line Railroad Co. of these iron ore docks and of this trackage is necessary to provide for the uninterrupted movement of iron ore shipped by mines located on the Soo Line Railroad Co. in the interest of the public and the commerce of the people, pending final disposition of the application of the Soo Line Railroad Co. for permanent authority; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice:

It is ordered, That:

§ 1033.1073 Service Order No. 1073.

(a) *Soo Line Railroad Co. authorized to operate over certain trackage of Burlington Northern Inc.* The Soo Line Railroad Co. be, and it is hereby authorized to use Allouez iron ore docks and yards of Burlington Northern Inc., together with necessary trackage of the Burlington Northern Inc., between these docks and point of connection between these companies at Saunders, all in the vicinity of Superior, Wis.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the

provisions of this order, is hereby suspended.

(d) **Effective date.** This order shall become effective at 12:01 a.m., May 12, 1971.

(e) **Expiration date.** The provisions of this order shall expire at 11:59 p.m., November 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1 (10-17), 15 (4), and 17(2), 40 Stat., 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-6827 Filed 5-14-71; 8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-1—GENERAL

PART 5A-16—PROCUREMENT FORMS

Miscellaneous Amendments

Parts 5A-1 and 5A-16 of Chapter 5A of Title 41 are amended as follows:

Subpart 5A-1.3—General Policies

Section 5A-1.311 is revised to read as follows:

§ 5A-1.311 Priorities, allocations, and allotments.

(a) Guidelines and procedures for the application of DO priority ratings to FSS contracts and delivery orders are set forth in GSA Order FSS 2800.13C, dated April 1, 1971. When the contract or any delivery order thereunder is to be priority rated, the appropriate rating symbol (DO K-1, DO D-7, etc.) or notation "see delivery order", shall be entered in Block 3 of SF 33, Solicitation, Offer, and Award, and the following clause shall be included in each solicitation:

PRIORITIES, ALLOCATIONS, AND CONTROLLED MATERIALS

If this contract or any delivery order thereunder is rated and certified for national

defense use (see Block 3 on the face of Standard Form 33), the Contractor shall follow the provisions of DPS Regulation 1 (formerly BDSA Regulation 2) and/or DMS Regulation 1 in obtaining controlled materials and other products and materials needed to fulfill the requirements of this contract.

(b) Criteria and procedures for requesting assistance from the U.S. Department of Commerce, Bureau of Domestic Commerce (BDC), (formerly Business and Defense Services Administration (BDSA)), under the Defense Materials System, are set forth in GSA Order FSS 2800.21, dated April 26, 1968.

The table of contents for Part 5A-16 is amended to include the following new and revised entries:

Sec.
5A-16.950-103 GSA Form 103 (FL), Transmittal of Award of Contract and GSA Form 72.
5A-16.950-2166 GSA Form 2166, Service Contract Act of 1965.

NOTE: Copies of the above forms are filed with the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division (3BRD), Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

EXCHANGE OF USE OF SPECIALIZED MEDICAL RESOURCES BETWEEN THE VETERANS ADMINISTRATION HOSPITAL, WASHINGTON, D.C. AND THE WASHINGTON HOSPITAL CENTER, WASHINGTON, D.C.

RESOURCES TO BE FURNISHED BY THE WASHINGTON HOSPITAL CENTER

Resource	Estimated quantity	Cost
1. Maintenance Hemodialysis. Treatments for end-stage renal failure consisting of one or more weekly dialysis as indicated.	10 patients per month.	Per patient per treatment. ¹
2. Special Laboratory Procedures. Complex tests required to thoroughly evaluate VA patients with suspected or proven Endocrine Disease. To include, but not be limited to the following: Urine: 17-hydroxycorticosteroids (Porter-Silber). 17-ketosteroids. Aldosterone. Pregnenedial. Pregnanetriol. Estrogens (total estrogens and one dial and trial). Gonadotropins, total. Blood: 17-hydroxycorticosteroids (Porter-Silber). Cortisone. Testosterone. Aldosterone. Progesterone.	30 procedures per month.	Per patient per procedure. ¹
3. Radiation Therapy. a. Deep radiation therapy including cobalt and cesium.	12 patients per month.	Per patient per treatment. ¹
b. Surface therapy including: (1) interstitial bore, (2) intracavitary radiation, and (3) categories, which include gold seeds, radium seeds, applicators, etc., each per treatment program.	do.	Do.

RESOURCES TO BE FURNISHED BY VA HOSPITAL, WASHINGTON, D.C.

Resource	Estimated quantity	Cost
1. Cardiac Catheterization. To include (1) the recording of intravascular pressures, (2) the measurement of oxygen content and saturation of blood samples taken from the chambers of the heart, (3) the measurement of cardiac output by the Fick principle, (4) the recording of indicator dilution curves, and (5) selective angiographic studies. (a) With large angio film	5 patients per month.	Per patient per procedure. ¹
(b) Without large angio film	do.	Do. ¹
2. Special Laboratory Procedure. Thyroxine in blood by displacement (Murphy-Pattee Method) and resin sponge uptake of T3. This is an isotope procedure available in the VA radioisotope laboratory.	20 patients per month.	Do. ¹
3. Esophageal Motility Procedures. The VA Hospital has a well-staffed and equipped laboratory for the study of pressures in the pharynx and esophagus and the response of these organs to swallowing. Tests are very helpful in patients complaining of dysphagia, substernal pain and heartburn related to gastric reflux. It is useful in evaluation, preoperatively as well as postoperatively, in patients with hiatal hernia. Its importance to both veteran and nonveteran patients is enormous when related to the fact that it is helpful in the diagnosis of a variety of patients with problems in such fields as gastroenterology, cardiology, rheumatology and dermatology. Each procedure includes physician interpretation, technician and supplies.	15 patients per month.	Do. ¹

¹ Enter cost which has been negotiated.

Effective date. These regulations are effective June 15, 1971, but may be observed earlier.

Dated: May 6, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc. 71-6814 Filed 5-14-71; 8:49 am]

Chapter 8—Veterans Administration PART 8-16—PROCUREMENT FORMS Contract Formats

1. In § 8-16.9503-1, paragraph c is added to read as follows:

§ 8-16.9503-1 Use of appendixes in exchange of use of specialized medical resources contracts.

* * * * *
c. The factors involved and the formula for arriving at such costs are set forth in Manuals M-1, Part I, and DM&S Supplement, MP-4, Part V.¹

2. Section 8-16.9503-2 is revised to read as follows:

§ 8-16.9503-2 Format for appendixes to exchange of use of specialized medical resources contracts.

¹ Available in any Veterans' Administration station.

3. Sections 8-16.9503-3, 8-16.9503-4, and 8-16.9503-5 are added to read as follows:

§ 8-16.9503-3 Mutual use of specialized medical resources provided to a VA hospital.

The _____¹ (hereinafter called the Contractor) agrees, in accordance with the terms and conditions of this contract, to permit the VA Hospital, _____² (hereinafter called the VA) to utilize the specialized medical resources of the Contractor as specified in the appendixes attached to and made a part of this contract. The initial listing of resources shall be identified as "Appendix A" and each succeeding appendix as "Appendix B," "Appendix C," etc.

1. *Resources.* a. The resources specified in any of the attached appendixes may be added to or terminated by written amendment to this contract. The amendment will be prepared by the VA Contracting Officer and, prior to becoming effective, shall be approved by the VA Chief Medical Director or his designee and the Contracting Officer of the Contractor.

b. The resources specified in the appendixes to this contract shall be furnished to the VA by the Contractor when requested by means of an individual written request which has been authorized by _____³ or his (their) authorized designee(s).

2. *Period covered.* This contract when accepted by the Contractor and the VA Contracting Officer shall be effective from _____⁴ through _____⁴.

3. *Termination.* This contract will remain in force during the period stated unless terminated at the request of either party after thirty (30) days' notice in writing. To the extent that this contract is so terminated, the VA will be liable only for payment in accordance with the payment provisions of this contract for services rendered prior to the effective date of termination.

4. *Payment.* a. The VA agrees to reimburse the Contractor on a unit basis for resources furnished at the prices listed in the appendixes to this contract.

b. Sums due the Contractor will be paid _____⁵ upon receipt of a properly prepared invoice submitted by the Contractor.

c. Bills rendered by the Contractor to the VA for services furnished a VA beneficiary under the terms of this contract shall be in full. Neither the beneficiary, his insurer nor any other third party shall be billed.

5. *Qualifications.* The physicians furnishing services under this contract must be licensed to practice in a State, Territory, or Commonwealth of the United States or the District of Columbia.

6. *Medical records.* Clinical or other medical records of VA beneficiaries treated by the Contractor will be forwarded to the VA.

7. *Officials not to benefit.* No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

8. *Equal opportunity.* a. The Contractor agrees to furnish the resources specified in

the appendixes hereto without regard to the race, color, religion, sex, or national origin of the VA beneficiary.

NOTE: When it is determined by the VA Contracting Officer that the funds to be expended under this contract will exceed \$10,000, the following clauses shall be included in the contract.

b. VA Form 07-2135, Equal Opportunity Clause for Government Contracts, is attached to and made a part of this contract.

c. *Certification of Nonsegregated Facilities.*

The Contractor certifies that he does not, and will not maintain or provide for his employees at any of his establishments, facilities which are segregated on the basis of race, color, religion, or national origin. The term "segregated facilities" as used herein means those facilities specified in 41 CFR 1-12.803-10(d)(1).

NOTE: When it is determined by the VA Contracting Officer that the funds to be expended by the VA under this contract will exceed \$50,000 and that the Contractor has in his employ 50 or more employees, the following clause shall be included in the contract.

d. *Affirmative Action Compliance Program.*

(1) The Contractor shall develop and maintain, within 120 days after award of this contract, a separate written affirmative action compliance program for each of his establishments. He shall require each Subcontractor having 50 or more employees to whom a subcontract, amounting to \$50,000 or more, is awarded to develop and maintain, within 120 days after the award of such subcontract, a separate written affirmative action compliance program for each of the Subcontractor's establishments.

(2) Each affirmative action program shall be developed in conformity with the rules and regulations of the Office of Federal Contract Compliance, U.S. Department of Labor (Title 41, Part 60-2, Chapter 60, Code of Federal Regulations). Each program shall be maintained at the local office responsible for personnel matters of the particular establishment and shall be made available for inspection by representatives of the Office of Federal Contract Compliance, or such agency as may be designated as the Compliance Agency, upon request.

(3) The offeror certifies by completing whichever of the following is appropriate that he regularly employs:

(i) ☐ Less than 50 employees.

(ii) ☐ 50 or more employees and maintains a written affirmative action program for each of his establishments in accordance with Title 41, Part 60-2, Chapter 60 of the Code of Federal Regulations.

(iii) ☐ 50 or more employees and agrees to develop, within 120 days after award of this contract, a written affirmative action program for each of his establishments in accordance with Title 41, Part 60-2, Chapter 60 of the Code of Federal Regulations.

9. *Disputes.* a. Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the VA Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Administrator of Veterans Affairs. The decision of the Administrator, or his duly authorized representative for the determination of such appeal, shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary or so grossly er-

roneous as necessarily to imply bad faith or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

b. This "Disputes" clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph a above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

10. *Contingent fee.* The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability, or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

11. *Contractor represents.* The Contractor represents that he ☐ has, ☐ has not, participated in a previous contract or subcontract subject to the Equal Opportunity Clause herein and Executive Order No. 11246, dated September 24, 1965; and he ☐ has, ☐ has not, filed all required compliance reports; and that the representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards.

12. *Examination of records.* The following clause shall be included in all contracts in which the cost to the VA will exceed \$2,500.

EXAMINATION OF RECORDS

The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR, Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

13. *Authority.* This contract is entered into under the authority of 38 U.S.C. 5053 (a) (1) and is negotiated under the authority of § 1-3.204 of the Federal Procurement Regulations.

Approved and accepted for:

By _____ (Title) (Date)

Approved and accepted for Veterans' Administration:

By _____ (Title) (Date)

§ 8-16.9503-4 Use of appendixes in contracts for mutual use of specialized medical resources provided to a VA hospital.

a. The initial services and the cost of such services to be rendered by the Contractor will be listed in the format illustrated in

¹ Enter name and complete address of Hospital, University Medical School, or Medical Installation.

² Enter address of VA Hospital.

³ Enter name(s) of authorizing official(s).

⁴ Enter beginning and ending dates.

⁵ Enter frequency, i.e., monthly, quarterly, etc.

§ 8-16.9503-5, designated "Appendix A" and made a part of the contract. Each succeeding listing which either adds to or deletes from the initial or subsequent listings will be designated "Appendix B," "Appendix C," etc.

b. In negotiating the cost to be paid by the VA for each resource of the Contractor that is utilized, Contracting Officers will

assure themselves that the prices charged are equitable and just and not in excess of those charged in the community for similar or equal services.

§ 8-16.9503-5 Format for appendixes for contracts for mutual use of specialized medical resources provided to a VA hospital.

MUTUAL USE OF SPECIALIZED MEDICAL RESOURCES PROVIDED TO THE VA HOSPITAL, WASHINGTON, D.C. BY THE GEORGE WASHINGTON UNIVERSITY HOSPITAL, WASHINGTON, D.C.

Resource	Estimated quantity	Cost
1. Maintenance Hemodialysis. Treatments for end-stage renal failure consisting of one or more weekly dialysis as indicated.	30 patients per month.	Per patient per treatment. ¹
2. Radiation Therapy.		
a. Deep radiation therapy including cobalt and cesium	20 patients per month.	Do.
b. Surface therapy including (1) interstitial bore, (2) intracavitary radiation, and (3) categories, which include gold seeds, radium seeds, applicators, etc., each per treatment program.	do.	Do.

¹ Enter cost which has been negotiated.

4. In § 8-16.9504, the headnote is amended to read as follows:

§ 8-16.9504 Mutual use of specialized medical resources provided by a VA hospital.

5. In § 8-16.9504-1, the headnote and paragraph b are amended to read as

follows:

§ 8-16.9504-1 Use of appendixes in contracts for mutual use of specialized medical resources provided by a VA hospital.

b. In negotiating the cost to be paid by the Contractor for the use of these resources,

Contracting Officers will be guided by the provisions of 38 U.S.C. 5053(b) and the factors involved and formula for arriving at such costs as set forth in § 8-16.9503-1.

6. In § 8-16.9504-2, the headnote is amended to read as follows:

§ 8-16.9504-2 Format for appendixes for contracts for mutual use of specialized medical resources provided by a VA hospital.

(Sec. 205(c), 63 Stat. 309, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective June 17, 1971.

Approved: May 11, 1971.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-6801 Filed 5-14-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1810]

DISASTER RELIEF

Timber Sales Contracts for Public Lands

The purpose of this amendment is to provide procedures for obtaining relief from damages caused by a major disaster to roads or other development facilities built under timber sale contracts. Such relief was provided for by section 242(a) (b) of the Disaster Relief Act of 1970 (84 Stat. 1744), which repealed the Disaster Relief Act of 1966 (42 U.S.C. 1855aa-1855ii) and the Disaster Relief Act of 1969 (42 U.S.C. 1855ccc).

It is the policy of this Department, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart 1815 is revised to read as follows:

Subpart 1815—Disaster Relief

§ 1815.0-3 Authority.

Disaster Relief Act of 1970 (84 Stat. 1744).

§ 1815.0-5 Definitions.

"Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe.

§ 1815.1 Timber sale contracts.

§ 1815.1-1 Relief granted.

(a) Where an existing timber sale contract does not provide relief to the timber purchaser from major physical

change, not due to negligence of the purchaser, prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection therewith, the United States will bear a share of the increased construction costs. The United States' share will be determined by the authorized officer as follows:

(1) For sales of less than 1 million board feet, costs over \$1,000;

(2) For sales of from 1 to 3 million board feet, costs over the sum of \$1 per thousand board feet;

(3) For sales of over 3 million board feet, costs over \$3,000.

(b) Where the authorized officer determines that the damages caused by such major physical change are so great that restoration, reconstruction, or construction is not practical under this cost-sharing arrangement, he may cancel the timber sale contract notwithstanding any provisions thereof.

§ 1815.1-2 Applications.

(a) *Place of filing.* The application for relief shall be filed in the office which issued the contract.

(b) *Form of application.* No special form of application is necessary.

(c) *Contents of application.* (1) The date of issuance of the contract and any identification number.

(2) The particular disaster and its effect upon contract performance.

(3) An estimate of the damages suffered.

(4) A statement of the relief requested.

(5) An estimate of time which will be needed to overcome the delay in performance caused by the disaster.

ROGERS C. B. MORTON,
Secretary of the Interior.

MAY 10, 1971.

[FR Doc. 71-6812 Filed 5-14-71; 8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953) regulating the handling of Irish potatoes grown in the designated counties of Virginia and North Carolina.

This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in four copies with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 23. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 953.311 Limitation of shipments.

During the period June 1 through July 31, 1971, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity: *Provided*, That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further provided*, That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appears in the act as amended February 20, 1970, and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e-1 of the act and § 980.1 of the regulations (§ 980.1 of this chapter), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity, requirements specified in paragraph (a) of this section.

Dated: May 12, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[FR Doc. 71-6832 Filed 5-14-71; 8:50 am]

[7 CFR Part 1036]

[Docket No. AO-179-A34]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Parma, Ohio, on March 12, 1971, pursuant to notice thereof issued on March 1, 1971 (36 F.R. 4297).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 8, 1971 (36 F.R. 7069; F.R. Doc. 71-5171) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein with the following modifications:

1. Under the heading "1. Partial payments to producers.", the first, fifth, sixth, and 11th paragraphs are changed.
2. Under the heading "2. Timing of amendments.", the first and second paragraphs are changed and the fourth paragraph is deleted.

The material issues on the record of the hearing relate to:

1. Partial payments to producers; and
2. Timing of amendments.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Partial payments to producers.* The order should provide that all handlers be required to make partial payments to producers, or to cooperative associations that collect for their members, for producer milk delivered during the first 15 days of the month. Such payments to individual producers should be made by the last day of the month. Payments to cooperative associations should be made 2 days earlier. The rate of payment should be not less than the Class III price for the preceding month, less any proper deductions authorized by the producer.

Under the present order, partial payments are optional with the producer or cooperative. Handlers are required to make such payments only if requested to do so by the producer or the cooperative collecting for the producer. Final settlement for producer deliveries during the month is not required until about the middle of the following month.

A group of 10 proprietary handlers proposed that partial payments for producer milk delivered during the first 15 days of the month be mandatory for all handlers. Proponents pointed out that the option under the order for partial payments was invoked recently for the first time by a cooperative association in the market. As a result of this payment request, some handlers are being required to make partial payments for producer milk while others are not. Proponents contended that this results in inequities among handlers since those not making such payments have a greater amount of time to accumulate sufficient funds for their milk purchases. It was claimed that handlers making

partial payments are competitively disadvantaged relative to handlers not making such payments because of the considerably different cash flow required.

This proposal was supported at the hearing by two major cooperative associations in the marketing area, one of which recently invoked the optional partial payments.

Opposition to the proposal was voiced by a proprietary handler. The handler contended that delayed payments for milk by his customers would make it difficult for him to have sufficient funds available by the end of the month to make the proposed partial payments to producers. The handler testified that if mandatory partial payments are adopted, such payments should be instituted on a graduated basis, i.e., for the first year the partial payment to a producer should be 25 percent of the regular partial payment otherwise required, 50 percent of the regular payment the second year, 75 percent the third year, and 100 percent thereafter. This procedure, he claimed, would give handlers a period of time to accommodate their financial arrangements to this change in producer payments.

Presently, there is a mixture of payment practices in the Eastern Ohio-Western Pennsylvania market. Final payments by handlers for all deliveries of producer milk during the month are due by the 18th day of the following month (16th day if payments are to a cooperative). Partial payments for the first 15 days' deliveries are being requested under the terms of the order of a limited number of handlers in Ohio. In the Pennsylvania portion of the market, where over half of the handlers in the market are located, partial payments are mandatory for all handlers pursuant to the regulations of the Pennsylvania Milk Marketing Board. Handlers located in this portion of the marketing area thus make partial payments regardless of the optional payment provision of the Eastern Ohio-Western Pennsylvania order.

Although the optional payment provision has been in the order for many years, it was invoked only recently by a cooperative association representing over 50 percent of the producers supplying the market. Consequently, certain handlers in Ohio are being required to make partial payments to producers while others in the State with whom they compete are not.

The cooperative's request for partial payments stems from changes now being made in their producer payment and accounting procedures. Such changes were prompted by the recent merger of several cooperative associations, including one Pennsylvania-based association, into the present organization. Since the merger, over half the members of the present cooperative have been receiving partial payments pursuant to Pennsylvania regulations. In an attempt to provide uniform payment procedures for all its members and to facilitate the use of automatic data processing, the cooperative intends to request partial payments of all handlers receiving milk from its

members. Under this change-over, such payments have been requested thus far only of handlers in the Cleveland metropolitan area.

Under this mixture of payment practices, handlers in the market are not subject to the same payment schedules. Because of the different cash flow required, the financial position of a milk processor is affected by the different payment requirements. This can affect his competitive position in the marketplace. Handlers in this market who are being required to make partial payments are in competition with those handlers who have a greater length of time to accumulate the necessary funds for their purchases of milk. Greater equity among all handlers and among all producers can be achieved by requiring mandatory partial payments for producer milk.

It is not unreasonable to require a handler to make partial payments for milk that he has received from producers. If only a final settlement for the milk is required, payable by the middle of the next month, a handler has use of the milk for approximately 15 to 45 days without any payment. The application of partial payments will reduce the period a producer must wait to receive some payment. Such partial payment still would be less than the full value of the milk by the amount of the difference between the price for the lowest-use class and the uniform price (disregarding adjustments for butterfat test and plant location). During 1970, this difference averaged \$1.30 per hundredweight.

The rate of partial payments should be not less than the Class III price for the preceding month. No adjustment should be made for butterfat content or plant location. This rate is the same as in the current order for the optional payments. The proposal to institute any mandatory partial payments on a graduated scale—25 percent the first year, 50 percent the second year, 75 percent the third year, and 100 percent thereafter—should not be adopted. Although proponent envisioned that such a reduction would be implemented by applying the Class III price to a percentage of the producer's deliveries during the first half of the month, the producer would be receiving in effect less than the Class III price for all of the milk he had delivered during the first 15 days of the month. The Class III price represents the lowest use value that can apply to producer milk and a lower payment rate should not apply.

The partial payments should be reduced by the amount of any proper deductions authorized by a producer. It is not unusual for a producer to have assignments or other deductions made against the payments for his milk. This provision will accommodate such circumstances and allow these deductions to be made from the partial as well as the final payments for milk.

As under the present optional payment provisions, a handler should be required to make partial payment only to a producer who has not discontinued delivery

of milk to the handler as of the end of the month. Due to previous assignments made against a producer's milk deliveries, partial payment might possibly result in an overpayment to a producer who stops delivery to a handler prior to the end of the month. This requirement will minimize the possibility of overpayments.

The order should provide that partial payments to a cooperative association collecting for its members be made at least 2 days prior to the last day of the month, rather than by the 27th day of the month as at present. The period of time between the 27th day and the end of the month can vary from 1 to 4 days. A minimum fixed period should be provided so that the individual members of the cooperative can receive such payments by the same time as producers receiving payment directly from handlers. Two days should be adequate for this purpose.

2. Timing of amendments. The amendments adopted herein should be made effective as soon as practicable.

The proponent handlers requested that their proposal be made effective on January 1, 1972, and that the present provisions for optional partial payments be suspended until such date. Proponents claimed that the delayed effective date would provide sufficient time for handlers to adjust their operations to the proposed change in producer payments. They stated that the suspension action for the interim period would remove the inequities among handlers that are being experienced currently.

Postponement until January 1972 of the amendments adopted herein would not tend to effectuate the declared policy of the Act. Partial payments to producers are justified on a marketwide basis and should be made uniformly by all handlers regulated under the order. Many of the handlers in the market are making partial payments at the present time. Those handlers not now making such payments to producers may need to make some adjustment in their financial arrangements to accommodate the new payment procedure. This should be minimal, though, since under the present terms of the order such handlers not now making partial payments must be prepared to do so upon 12 days' notice. An extended delay in the effective date of the amendments adopted herein is not warranted.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area which have been decided upon as the detailed and appropriate means of effecting the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL
AND REPRESENTATIVE PERIOD

March 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order¹ amending the order, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 8, 1971, and published in the FEDERAL REGISTER on April 14, 1971 (36 F.R. 7069; F.R. Doc. 71-5171), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein with the following modification: Section 1036.70(b)(1)(iv) is changed.

§ 1036.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the last day of the month, to each producer who has not discontinued delivery of milk to such handler, not less than the amount determined by multiplying the pounds of producer milk received from such producer during the first 15 days of the month by the Class III price for the preceding month, without adjustment for butterfat content, less proper deductions authorized by the producer; and

(2) On or before the 18th day after the end of the month, to each producer not less than the amount determined by multiplying the pounds of producer milk received from such producer during the month by the uniform price as adjusted pursuant to §§ 1036.71 and 1036.72, less the following amounts:

(i) The payment made pursuant to subparagraph (1) of this paragraph for such month;

(ii) Proper deductions authorized by the producer;

(iii) Any marketing service deduction pursuant to § 1036.76; and

(iv) If before such date the handler has not received full payment from the market administrator pursuant to § 1036.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this subparagraph next following after receipt of the balance due from the market administrator.

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of

any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association for producer milk received from such members an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) or (2), as the case may be, of paragraph (a) of this section. Such payment shall be made on or before the second day prior to the date specified in such applicable subparagraph. Payments under this paragraph shall be subject to the following conditions:

(1) Each handler shall submit to the cooperative association with such payments written information which shows for each such producer:

(i) The total pounds of milk received from him during the period for which the payment applies;

(ii) With respect to the payment described in paragraph (a)(2) only of this section, the total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amount of any deductions authorized by the producer;

(2) Payments to a cooperative association and the submission of information by handlers pursuant to this paragraph shall be made with respect to that milk of each producer whom the cooperative association certifies is a member which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding the receipt of a notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(3) A copy of each such request, promise to reimburse, and certified list, of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) On or before the 15th day after the end of the month, each handler shall pay a cooperative association at not less than the class prices applicable pursuant to § 1036.51 for milk he receives:

(1) By transfer or diversion from a pool plant operated by such cooperative association; or

(2) From such cooperative association in its capacity as a handler pursuant to § 1036.13(d), if such cooperative association also operates a pool plant.

[FR Doc. 71-6833 Filed 5-14-71; 8:50 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 727]

[Administrative Order No. 619]

SUGARCANE INDUSTRY IN PUERTO RICO

Dissolution of Certain Industry Committee

By Administrative Order No. 610 dated October 28, 1969, published at 34 F.R. 17732 on November 1, 1969, I appointed Industry Committee No. 89-B to hold a hearing on December 8, 1969, to consider the question of minimum rates of wages to be fixed for the sugarcane farming industry in Puerto Rico under the provisions of 29 CFR Part 511. Prior to the December 8, 1969, hearing, the three employee members of the committee submitted their resignations to Committee No. 89-B, which thereupon canceled the December 8, 1969, hearing and adjourned subject to recall by the Administrator of the Wage and Hour Division. The Administrator does not intend to recall the Committee.

Accordingly, pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR 511.5, I hereby dissolve Industry Committee No. 89-B for the Sugarcane Farming Industry in Puerto Rico.

Signed at Washington, D.C., this 10th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc. 71-6813 Filed 5-14-71; 8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Qualifications of Physical Therapists

Notice is hereby given that the amendments set forth below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would provide that a physical therapist who was licensed or registered prior to January 1, 1970, may qualify for Medicare purposes upon achieving a satisfactory grade on an examination conducted by or under the sponsorship of the Public Health Service; and a physical therapist who was licensed or registered prior to January 1, 1966, and is currently licensed, would qualify for Medicare purposes if, prior to January 1, 1970, he had 15 years of full-time experience in the treatment

of illness or injury through a practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians.

These proposed amendments are identical with regulations published on June 27, 1970 (35 F.R. 10510, 10516). Prior to the publication of these amendments, the provisions relating to qualifying as a physical therapist if graduated from an approved physical therapy curriculum had been published in notices of proposed rule making on February 15, 1966 (Subpart J, 31 F.R. 2748), and May 14, 1966 (Subpart K, 31 F.R. 7131, and Subpart L, 31 F.R. 7143). The provisions relating to qualifications acquired prior to January 1, 1966, or acquired outside the United States, had been published in a notice of proposed rule making on November 27, 1968 (Subpart Q, 33 F.R. 17691). The amendments proposed herewith, along with the related provisions previously published, are being republished in this notice of proposed rule making to provide interested parties the opportunity to submit data, comments, and arguments.

Formulation of these amendments was undertaken pursuant to the expectation of the Senate Finance Committee as expressed in its Report on the Social Security Amendments of 1967, as follows:

Pursuant to present law, the Secretary of Health, Education, and Welfare establishes various health and safety criteria as conditions for the participation of providers of services and independent laboratories in the medicare program. In setting these standards, it was necessary to establish criteria for judging the professional competency and the qualifications of key professional personnel in these health facilities. Membership in or registration or certification by certain specialty or professional organizations is the principal accepted means of establishing professional qualifications in health fields. Medicare regulations go beyond these usual tests of qualifications by providing that individuals meeting alternative training and experience requirements may be found to be qualified personnel.

While the committee agrees that the Secretary's health and safety requirements are intended to safeguard the welfare of patients, it is concerned that the reliance placed on specific formal education, training, or membership in private professional organizations might sometimes serve to disqualify people whose work experience and training may make them equally or better qualified than those who meet the existing requirements. Failure to make possible the fullest use of properly trained health personnel is of particular concern because of the shortage of skilled health personnel in several fields.

While the committee recognizes the difficulties involved in determining the qualifications of persons in some of these health professions, it also believes and expects that the Secretary should engage in consultation with appropriate professional health organizations and State health agencies and, to the extent feasible, explore, develop, and apply appropriate means of determining the proficiency of health personnel disqualified under the present regulations. Moreover, the Secretary should encourage and assist programs designed to upgrade the capabilities of those who are not now sufficiently skilled to qualify in health occupations now in short supply, but who could perform adequately

with relatively little additional training. S. Rep. No. 744, 90th Cong., First sess. 89-90 (1967).

Accordingly, an expert review panel was established to consider the problem, to meet with representatives of interested organizations, and to advise the Community Health Service of the U.S. Public Health Service, which had been assigned the responsibility for the study. The panel included three physicians, four physical therapists (one an educator), the Director of the Department of Allied Health Professions and Services of the American Medical Association, and a medical care administrator. The panel consulted with representatives of the American Physical Therapy Association, the National Association of Physical Therapists, the California Physical Therapists Association and the Massachusetts Society of Registered Physical Therapists. The review panel concluded that because of the wide variations in educational background of physical therapists who were unable to meet the Medicare standards of qualification then in effect, it could not recommend that State licensure alone be accepted as an adequate criterion of competence for Medicare purposes. The panel recommended, however, that in light of health manpower shortages, efforts should be made to utilize for Medicare purposes the services of those physical therapists who could establish proficiency at an adequate level of quality. The panel recommended that licensed physical therapists who were unable to meet the then existing requirements for participation in the Medicare program be permitted to qualify upon achieving a satisfactory grade on an examination to be conducted under the sponsorship of the U.S. Public Health Service. It was also believed by the Department, however, that further consideration needed to be given to those physical therapists whose experience had been concentrated in health oriented settings for such extended periods of time as could be considered sufficient to constitute a reliable and objective measure providing reasonable assurance that they had attained proficiency at an adequate level of quality. Accordingly, an additional alternative is contained in the proposed amendments, based on State licensure and long experience in the treatment of illness or injury through the practice of physical therapy in which the services were rendered upon the order of and under the direction of attending and referring physicians.

These recommendations were subsequently the subject of consultations with the Health Insurance Benefits Advisory Council (see section 1867 of the Social Security Act, 42 U.S.C. 1395dd), with appropriate State agencies, and with national recognized accrediting agencies, pursuant to section 1863 of the Act (42 U.S.C. 1395z). Also, in addition to the physical therapy associations mentioned above, consultations were conducted with representatives of the New Jersey Physical Therapy Society.

The two new alternative methods of qualification in the amendments thus

proposed would together take their place as only one group of four alternative groups of approaches available to physical therapists seeking to qualify for Medicare purposes, as follows:

- (1) Graduation from a physical therapy curriculum approved by any of the three accrediting agencies which successively have been recognized universally; or
- (2) Having achieved prior to January 1, 1966 (the year in which the Medicare program went into effect), membership in the American Physical Therapy Association or registration in the American Registry of Physical Therapists, or graduation from a State-approved 4-year collegiate physical therapy curriculum; or
- (3) Parallel standards for foreign-trained physical therapists; or
- (4) If licensed or registered prior to January 1, 1970 (the year in which the alternatives provided in this provision were first made available), having achieved a satisfactory grade on an examination conducted by or under the sponsorship of the U.S. Public Health Service, or having attained by then 15-years' full-time experience in a physical therapy practice in which services were rendered upon a physician's prescription (provided, in the latter case, the individual had also achieved licensure or registration by Jan. 1, 1966, the year in which the Medicare program went into effect).

These standards are designed to enable physical therapists to demonstrate levels of proficiency which provide reasonable assurance that minimum standards of competence are being maintained. As such, the amendments proposed herewith complement the educational and professional criteria already in effect. The latter are expressed in two parts, of which the first is graduation from an accredited curriculum. The American Physical Therapy Association was the recognized accrediting agency for physical therapy curricula from 1928 to 1936. The Council on Medical Education and Hospitals of the American Medical Association was the recognized accrediting agency from 1936 to 1960. Currently and since 1960, the Council on Medical Education of the American Medical Association, in collaboration with the American Physical Therapy Association, has been recognized as the professional accrediting agency for the physical therapy curricula.

The second part of this two-part set of educational and professional criteria is expressed in terms of membership in the American Physical Therapy Association or registration by the American Registry of Physical Therapists. Since it was founded in 1921, the American Physical Therapy Association required graduation from recognized schools of physical therapy as a prerequisite to active membership, and, since 1928, only the schools accredited by the agencies listed in the first part of the regulation have been recognized for this purpose. Similarly, the American Registry of Physical Therapists was organized under the aegis of the Congress of Physical Rehabilitation and Medicine, the association of medical physiatrists affiliated with the American Medical Association. Prerequisites to reg-

istration in the Registry were not only the successful completion of a written examination but also graduation from a school approved by the accrediting agencies listed in the first part of the regulation. Thus, membership in either the American Physical Therapy Association, or registration by the American Registry of Physical Therapists, is evidentiary of meeting the educational requirements of the organized physical therapy profession at any given time before the advent of the Medicare program, standards which are nationally recognized throughout the health professions.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 1102, 1861, 1863, 1864, and 1871; 49 Stat. 647, as amended; 79 Stat. 314; 42 U.S.C. 1302, 1395, et seq.

Dated: April 12, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 11, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education,
and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (d)(3) of § 405.1031 is revised to read as follows:

§ 405.1031 Condition of participation—
complementary departments.

(d) *Standard; rehabilitation, physical therapy, and occupational therapy department.* * * *

(3) If physical therapy services are offered, the services are given by or under the supervision of a qualified physical therapist. A qualified physical therapist is one who:

(i) Has graduated from a physical therapy curriculum approved by—

(a) The American Physical Therapy Association; or

(b) The Council on Medical Education and Hospitals of the American Medical Association; or

(c) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(ii) Prior to January 1, 1966—

(a) Has been admitted to membership by the American Physical Therapy Association; or

(b) Has been admitted to registration by the American Registry of Physical Therapists; or

(c) Has graduated from a physical therapy curriculum in a 4-year college or

university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(iii) If currently licensed or registered to practice physical therapy pursuant to State law:

(a) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(b) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(iv) If trained outside the United States—

(a) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(b) Is a member of a member organization of the World Confederation for Physical Therapy; and

(c) Has completed 1-year's experience under the supervision of an active member of the American Physical Therapy Association; and

(d) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

2. Paragraph (c)(1) of § 405.1126 is revised to read as follows:

§ 405.1126 Condition of participation—
restorative services.

(c) *Standard; therapy services.* * * *

(1) Physical therapy is given or supervised by a therapist who meets one of the following requirements:

(i) He has graduated from a physical therapy curriculum approved by—

(a) The American Physical Therapy Association; or

(b) The Council on Medical Education and Hospitals of the American Medical Association; or

(c) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(ii) Prior to January 1, 1966—

(a) Has been admitted to membership by the American Physical Therapy Association; or

(b) Has been admitted to registration by the American Registry of Physical Therapists; or

(c) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(iii) If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

(a) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(b) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(iv) If trained outside the United States—

(a) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(b) Is a member of a member organization of the World Confederation for Physical Therapy; and

(c) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(d) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

3. Paragraph (b) of § 405.1229 is revised to read as follows:

§ 405.1229 Condition of participation—physical therapy.

(b) *Physical therapist—qualifications.* A physical therapist:

(1) Has graduated from a physical therapy curriculum approved by—

(i) The American Physical Therapy Association; or

(ii) The Council on Medical Education and Hospitals of the American Medical Association; or

(iii) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(2) Prior to January 1, 1966—

(i) Has been admitted to membership by the American Physical Therapy Association; or

(ii) Has been admitted to registration by the American Registry of Physical Therapists; or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(3) If currently licensed or registered to practice physical therapy pursuant to State law:

(i) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(ii) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered serv-

ices upon the order of and under the direction of attending and referring physicians; or

(4) If trained outside the United States—

(i) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(ii) Is a member of a member organization of the World Confederation for Physical Therapy; and

(iii) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

4. Paragraph (e) of § 405.1720 is revised to read as follows:

§ 405.1720 Condition of participation—physical therapy services.

(e) *Standard; physical therapists.* Physical therapy is given or supervised by a therapist who meets one of the following requirements:

(1) He has graduated from a physical therapy curriculum approved by:

(i) The American Physical Therapy Association; or

(ii) The Council on Medical Education and Hospitals of the American Medical Association; or

(iii) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(2) Prior to January 1, 1966:

(i) Has been admitted to membership by the American Physical Therapy Association; or

(ii) Has been admitted to registration by the American Registry of Physical Therapists; or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(3) If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

(i) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(ii) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(4) If trained outside United States:

(i) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(ii) Is a member of a member organization of the World Confederation of Physical Therapy; and

(iii) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

[FR Doc. 71-8774 Filed 5-14-71; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 71-30]

BARBERS POINT, HAWAII

Tank Vessel Anchorage Ground

The Coast Guard is considering amending the anchorage ground regulations by adding an additional tank vessel anchorage ground at Barbers Point, Island of Oahu, Hawaii. This anchorage ground will provide mooring and loading facilities for tank vessels for the use of the State of Hawaii's Foreign Trade Subzone Refinery, operated by Hawaiian Independent Refinery. The use of this anchorage will not restrict nor prohibit the operation of military aircraft over or near the anchorage, or the operation of naval vessels or other craft in the vicinity.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Fourteenth Coast Guard District, 677 Ala Moana, Honolulu, HI 96813. Each person submitting comments should include his name and address, identifying the notice (CGFR 71-30), and give any reasons for any recommended change in the proposal. Copies of all written submissions received will be available for examination by interested persons at the office of the Commander, Fourteenth Coast Guard District.

The Commander, Fourteenth Coast Guard District, will forward any comments received before June 15, 1971, with his recommendations to the Chief, Office of Operations, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Accordingly, it is proposed that § 110.237 be revised to read as follows:

§ 110.237 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii.

(a) *The anchorage grounds—*(1) *Anchorage A.* The waters of the Pacific Ocean within an area described as follows: A circle of 1,000 feet radius centered at latitude 21°17'55" N., longitude 158°07'46" W.

(2) *Anchorage B.* The waters of the Pacific Ocean contained within a rectangle formed by the coordinates:

Latitude Longitude

21°16'31.5" N. 158°05'09.0" W.
 21°16'03.9" N. 158°05'16.9" W.
 21°16'11.1" N. 158°05'45.8" W.
 21°16'38.8" N. 158°05'37.9" W.

(b) *The regulations.* (1) No vessel may anchor, moor or navigate in Anchorages A or B, except—

(i) Tank vessels laden with, loading or unloading oil;

(ii) Public vessels of the United States; or

(iii) Commercial tugs, lighters, barges, and launches necessary to the loading or unloading of oil on tank vessels in this anchorage.

(2) Tank vessels conducting loading or unloading operations in these anchorage grounds shall display a red flag (International Code Flag "B") at the masthead. Any vessel over 100 tons displacement passing within one-half mile of an anchorage ground shall reduce its speed to six (6) knots over the ground when a red flag is displayed by a tank vessel in an anchorage ground.

(3) The owner of any tank vessel destined for an anchorage ground shall notify the Captain of the Port, Honolulu, Hawaii and the Commanding Officer, U.S. Naval Air Station, Barbers Point, Hawaii, at least twenty-four (24) hours in advance of actual occupancy of the anchorage ground by the tank vessel. Such notification must include the maximum height above the water line of the uppermost portion of the tank vessel's masts and a description of the masts' lighting including height of the highest anchor light and any aircraft warning lights that will be displayed by the vessel at night.

(4) When, in the opinion of the Captain of the Port, Honolulu, Hawaii, or his duly authorized representative, the use of these anchorage grounds for the transfer of oil could jeopardize the safety of vessels or facilities in the area, including undue risk of pollution, the use of the anchorage grounds shall be terminated until such time as he determines that the danger has subsided.

(5) Tank vessels may not clean their tanks during occupancy of the anchorage grounds.

(6) Vessels occupying the anchorage grounds may not discharge oily bilge water or oily ballast to the sea.

(7) Permanent mooring buoys may be installed within these anchorage grounds if Corps of Engineers' permits are obtained for the installations.

(8) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the rules of the road and safe navigation practices.

(9) The regulations of this section shall be enforced by the Captain of the Port, Honolulu or his duly authorized representative.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g) (1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g) (1)(A); 49 CFR 1.46(c) (1) (35 F.R. 4959), 33 CFR 1.05-1(c) (1) (35 F.R. 8279))

Dated: May 10, 1971.

R. E. HAMMOND,
 Rear Admiral, U.S. Coast Guard,
 Chief, Office of Operations.

[FR Doc. 71-6811 Filed 5-14-71; 8:48 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-73]

FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 188 from Wilkes-Barre, Pa., to Sparta, N.J.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to extend V-188 airway from Wilkes-Barre via the intersection of Wilkes-Barre 094° T (104° M) and Sparta 290° T (301° M) radials; to Sparta.

This extended airway segment would be utilized by IFR traffic operating between Newark, N.J., and Wilkes-Barre.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 6, 1971.

H. B. HELSTROM,
 Chief, Airspace and Air
 Traffic Rules Division.

[FR Doc. 71-6788 Filed 5-14-71; 8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 19185]

LICENSING OF AUDITORY TRAINING DEVICES FOR THE PARTIALLY DEAF

Order Extending Time for Filing Comments

In the matter amendment of the Commission's rules and regulations to pro-

vide for the licensing of auditory training devices for the partially deaf in the bands 72-73 and 75.4-76 MHz; Docket No. 19185.

1. The Commission has before it a petition by Zenith Radio Corp. filed on April 22, 1971, requesting an extension of time in which to file comments in the above-described proceeding. Specifically, Zenith has requested that the time period for submitting comments " * * * be extended for sixty (60) days, i.e., from April 28, 1971, to June 28, 1971, for the filing of comments, and from May 10, 1971, to July 9, 1971, for the filing of reply comments."

2. In its petition, Zenith has asserted that it has commenced, but not completed, technical studies involving complex questions regarding frequency utilization and potential interference from these devices. Zenith contends that further study and comments can substantially assist the Commission and afford interested parties opportunity to carefully analyze the proposals.

3. In addition to the foregoing petition, the Commission has received a number of letters from institutions concerned with deaf education which indicate an interest in an extended time period in which to evaluate the Commission's proposals for auditory training devices within the totality of deaf education.¹ In this connection, the Commission would be highly pleased with the full and active participation of those institutions, groups, and individuals whose expertise in this field would undoubtedly assist the Commission in assessing the needs of the deaf. In light of the fact that the purpose of this proceeding is evaluation of the needs of auditory instruction, facilitation of such participation should be afforded.

4. Accordingly, it is ordered, That, pursuant to § 1.46 of the Commission's rules and regulations, the petition for extension of sixty (60) days time in which parties may file comments in the above described proceeding filed on April 22, 1971, by Zenith Radio Corp., is granted.

Adopted: April 28, 1971.

Released: April 28, 1971.

[SEAL]

RICHARD E. WILEY,
 General Counsel.

[FR Doc. 71-6807 Filed 5-14-71; 8:48 am]

¹ Requests for additional time in which to study and participate in this matter have come from the Florida School for the Deaf and Blind, St. Augustine, Fla.; Florida Speech and Hearing Association; Central Institute for the Deaf, St. Louis, Mo.; The Council for Exceptional Children, Arlington, Va.; The Clarke School for the Deaf, Northampton, Mass.; and Gallaudet College, Washington, D.C.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GEORGE HENRY BERTRAND

Notice of Granting of Relief

Notice is hereby given that George Henry Bertrand, Post Office Box B, Clearwater, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on January 10, and 12, 1950, and February 9, 1950, in the Criminal Court of Record for Dade County, Fla., and on December 16, 1955, in the Multnomah County Superior Court, Oreg., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George H. Bertrand because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for George H. Bertrand to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George H. Bertrand's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That George H. Bertrand be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 5th day of May 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6795 Filed 5-14-71; 8:47 am]

THEODORE DENT

Notice of Granting of Relief

Notice is hereby given that Theodore Dent, 234 Alfred Street, No. 30, Detroit, MI 48211, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 10, 1944, in the Recorder's Court for the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Theodore Dent because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Theodore Dent to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Theodore Dent's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Theodore Dent be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6796 Filed 5-14-71; 8:47 am]

BOBBY LEE DUNCAN

Notice of Granting of Relief

Notice is hereby given that Bobby Lee Duncan, Route 1, Box 33, New Canton, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 12, 1967, in Buckingham County, Va., Circuit Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Bobby Lee Duncan because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Bobby Lee Duncan to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Bobby Lee Duncan's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Bobby Lee Duncan be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6797 Filed 5-14-71; 8:47 am]

HARVEY RICHARD JERGENS

Notice of Granting of Relief

Notice is hereby given that Harvey Richard Jergens, Box 3, Gilmore City, IA 50541, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 12, 1967, in Buckingham County, Va., Circuit Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Bobby Lee Duncan because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Bobby Lee Duncan to receive, possess, or transport in commerce or affecting commerce, any firearm.

incur by reason of his conviction on September 20, 1961, in Black Hawk County District Court, Waterloo, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harvey Richard Jergens because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harvey Richard Jergens to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harvey Richard Jergens' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Harvey Richard Jergens be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.
[FR Doc.71-6798 Filed 5-14-71;8:47 am]

HENRY SMITH

Notice of Granting of Relief

Notice is hereby given that Henry Smith, 24 Michigan Street, Pontiac, MI 48058, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 12, 1936, in the U.S. District Court, Eastern District of Louisiana, Baton Rouge, La., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Henry Smith because of such conviction, to ship, transport, or receive in interstate or foreign commerce

any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Henry Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Henry Smith's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Henry Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.
[FR Doc.71-6799 Filed 5-14-71;8:47 am]

JOHN NICK SOAVE

Notice of Granting of Relief

Notice is hereby given that John Nick Soave, 9183 Boleyn, Detroit, MI 48224, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 1, 1961, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John N. Soave because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John N. Soave to receive, possess, or transport in com-

merce or affecting commerce, any firearm.

Notice is hereby given that I have considered John N. Soave's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That John N. Soave be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of May 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.
[FR Doc.71-6800 Filed 5-14-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-13200]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 10, 1971.

The Alaska Railroad, Department of Transportation, has filed an application, Serial No. F-13200, for withdrawal of the lands described herein from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land for use as a gravel source for the maintenance of the Alaska Railroad in the greater Fairbanks area. Long-range plans include use of the land as a terminal area. The railroad requires the gravel on its main line in interior Alaska due to the permafrost condition of the land. The applicant states that the gravel at this site is superior to other gravel in the vicinity of Fairbanks. Mining and mineral leasing activities would not be compatible with the proposed use of the land.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Manage-

ment, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2350.4(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as required by the applicant agency.

The determination of the Secretary on the application will be published in the *FEDERAL REGISTER*. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are described as follows:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W., NE $\frac{1}{4}$ NE $\frac{1}{4}$ and lot 4, sec. 30.

Containing 90.97 acres, located approximately 4 miles southwest of Fairbanks.

T. G. BINGHAM,
Acting State Director.

[FR Doc.71-6776 Filed 5-14-71;8:45 am]

CHIEF, BRANCH OF LANDS AND MINERALS OPERATIONS, DIVISION OF TECHNICAL SERVICES, WYOMING STATE OFFICE

Redelegation of Authority

APRIL 23, 1971.

1. Pursuant to the authority contained in Part I, section 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to the Chief, Branch of Lands and Minerals Operations, in the Division of Technical Services, authority to take action on the matters listed in Part II-A.

2. The Chief, Division of Technical Services may, in his discretion, personally exercise any authority hereby delegated to the Chief, Branch of Lands and Minerals Operations.

3. The Chief, Branch of Lands and Minerals Operations may redelegate that authority vested in him by this delegation to any qualified employee under his jurisdiction. Any order of redelegation must specify the extent of and limitations on the grant of authority, be approved by the State Director and published in the *FEDERAL REGISTER*.

4. The Chief, Branch of Lands and Minerals Operations may, by written order, designate any qualified employee of

the Branch to perform the functions of his position in his absence. Such order will be approved by the Chief, Division of Technical Services.

5. *Effective date.* This redelegation will become effective May 17, 1971.

DANIEL P. BAKER,
State Director.

Approved: May 10, 1971.

JOHN O. CROW,

Associate Director.

[FR Doc.71-6794 Filed 5-14-71;8:47 am]

Office of Hearings and Appeals

[Docket No. M 71-15]

BARBARA KAY COAL, INC.

Petition for Modification of Interim Mandatory Safety Standard

In the matter of the petition of Barbara Kay Coal, Inc., for modification of interim mandatory safety standard; section 305(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 801 et seq.); Docket No. M 71-15.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, notice is hereby given that Barbara Kay Coal, Inc., an Illinois corporation (Petitioner), has filed a petition to modify the application of section 305(d) of the Act with respect to its No. 1 Mine, located at Marion, Ill.

Section 305(d) provides:

All power-connection points, except where permissible connection units are used, outby the last open crosscut shall be in intake air.

Petitioner proposes in effect that the designated mine be excepted from the application of section 305(d) of the Act, for the reasons that there never has been evidence of excessive methane or explosive or dangerous gases in quantity which could reasonably be considered to be dangerous to employees in this mine; that there is not in this mining operation excessive coal dust that would reasonably be considered dangerous or explosive; that there are no other dangerous physical conditions that could be related to diminution of safety; and that reversal of the air flow in the main air courses of the coal mine operation would create dangerous conditions specified in the petition. The petition states that the mining operation is comparatively a small one; so located that it is not subject to the hazards intended to be prevented by section 305(d) of the Act; and that it will produce evidence at a hearing to warrant the relief sought.

A copy of the petition is available for inspection at the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MAY 6, 1971.

[FR Doc.71-6783 Filed 5-14-71;8:46 am]

[Docket No. M 71-14]

HARRISBURG COAL CO., INC.

Petition for Modification of Interim Mandatory Safety Standard

In the matter of the petition of Harrisburg Coal Co., Inc., for modification of interim mandatory safety standard; section 305(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 801 et seq.); Docket No. M 71-14.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, notice is hereby given that Harrisburg Coal Co., Inc., an Illinois corporation (Petitioner) has filed a petition to modify the application of section 305(d) of the Act with respect to its No. 1 Mine, located at Marion, Ill.

Section 305(d) provides:

All power-connection points, except where permissible connection units are used, outby the last open crosscut shall be in intake air.

Petitioner proposes in effect that the designated mine be excepted from the application of section 305(d) of the Act, for the reasons that there never has been evidence of excessive methane or explosive or dangerous gases in quantity which could reasonably be considered to be dangerous to employees in this mine; that there is not in this mining operation excessive coal dust that would reasonably be considered dangerous or explosive; that there are no other dangerous physical conditions that could be related to diminution of safety; and that reversal of the airflow in the main air courses of the coal mine operation would create dangerous conditions specified in the Petition. The Petition states that the mining operation is comparatively a small one; so located that it is not subject to the hazards intended to be prevented by section 305(d) of the Act; and that it will produce evidence at a hearing to warrant the relief sought.

A copy of the Petition is available for inspection at the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MAY 6, 1971.

[FR Doc.71-6784 Filed 5-14-71;8:46 am]

[Docket No. M 71-19]

KERR-McGEE CORP.

Petition for Modification of Mandatory Safety Standard

In regard petition of Kerr-McGee Corp., for modification of mandatory safety standard (section 303(y)(1)); Docket No. M 71-19.

In accordance with the provisions of section 301(c) of the Federal Coal Mine

Health and Safety Act of 1969, 30 U.S.C. sec. 801 et seq., notice is hereby given that Kerr-McGee Corp. (petitioner) has filed a petition to modify the application of section 303(y)(1) of the Act with respect to its Choctaw Coal Facility Mine located in Haskell County, Okla.

Section 303(y)(1) of the Act provides:

In any coal mine opened after the operative date of this title, the entries used as intake and return aircourses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (2) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

Petitioner proposes to use a two-entry system for longwall development at said mine, with return air passing through the entry containing the belt conveyor. It contends that its proposed system will guarantee no less than the same protection afforded by the safety standard provided in section 303(y)(1) of the Act; and contends, further, that the application of said statutory standard to its Choctaw Coal Facility Mine will result in a diminution of the safety protection of the miners.

Persons interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Copies of the petition are available for inspection at the same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

May 6, 1971.

[FR Doc.71-6785 Filed 5-14-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-292; NDA 8-928]

ROCHE LABORATORIES

Combination Drug Containing Nicotiny Alcohol and Aminophylline; Notice of Withdrawal of Approval of New-Drug Application

A notice was published in the FEDERAL REGISTER of February 18, 1971 (35 F.R. 3150), extending to Roche Laboratories, Division of Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, New Jersey 07110, holder of new-drug application No. 8-928, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval of the new-drug application, and all amendments and supplements thereto for Roniacol with Aminophylline Tablets (NDA 8-928), containing nicotiny alcohol and aminophylline.

Neither the applicant nor any interested person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above-listed new-drug application and all amendments and supplements applying thereto is withdrawn effective on the date of signature of this document.

Dated: May 4, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-6775 Filed 5-14-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 33]

WARREN AND OUACHITA VALLEY RAILWAY CO.

Petition for Exemption From 14 Hours-of-Service-Limitation

By petition filed April 12, 1971, Warren and Ouachita Valley Railway Co. seeks an exemption from the 14 hours-of-service-limitation in Public Law 91-169. The petition indicates that it has only one operating crew and thus would qualify as having fewer than 15 operating employees.

Interested persons are invited to give their views. Comments should be submitted in triplicate to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: FRA-Petition-No. 33, 400 Seventh Street SW., Washington, DC 20591, prior to June 14, 1971.

Dated this 11th day of May 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings
and Proceedings, and Hearing
Examiner.

[FR Doc.71-6790 Filed 5-14-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20935, 20934; Order 71-5-44]

AIR WEST

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of May 1971.

Application of Hughes Air Corp. doing business as Air West, for an exemption, Docket 20935. Application of Hughes Air Corp. doing business as Air West, for a certificate amendment and a petition for a show cause order, Docket 20934.

Hughes Air Corp. doing business as Air West (Air West), has filed an application, in Docket 20934, requesting the amendment of its certificate of public convenience and necessity for route 76 to permit subsidy-ineligible nonstop turnaround service between Boise, on the one hand, and Portland, Seattle, and Salt

Lake City, on the other hand.¹ Air West has contemporaneously filed a petition requesting the same authority by show cause procedures and, in the alternative, has filed an application, in Docket 20935, requesting the same authority by exemption. Air West presently has an exemption which is due to expire on May 28, 1971, to provide turnaround service in the above markets.²

No answers to Air West's applications and petition have been filed.

Upon consideration of the pleadings and all the relevant facts we have decided to issue an order to show cause proposing to and amend Air West's certificate as requested. We tentatively find and conclude that the public convenience and necessity require amendment of Air West's certificate for route 76 to permit Boise-Salt Lake City and Boise-Portland/Seattle turnaround service on a subsidy-ineligible basis.

In support of our ultimate finding, we tentatively find and conclude as follows: "That the grant of Boise-Salt Lake City and Boise-Portland/Seattle turnaround authority to Air West will enable the carrier to overnight aircraft at Boise and thereby to provide a well-balanced pattern of service including early morning departures from Boise to Portland/Seattle and to Salt Lake City; that grant

of the requested authority will provide Air West with an opportunity for increased operational flexibility and equipment rotation; that no carrier will suffer any meaningful diversion by reason of the grant of the requested authority; and that there is no affirmative need for the retention of the restriction prohibiting Air West from providing turnaround service.⁴

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Hughes Air Corp. doing business as Air West's certificate of public convenience and necessity for route 76 so as to permit the carrier to provide nonstop turnaround service between Boise, on the one hand, and Portland, Seattle, and Salt Lake City, on the other hand, on a subsidy-ineligible basis;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Alaska Airlines, Inc.; American

Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Eastern Air Lines, Inc.; The Flying Tiger Line, Inc.; Frontier Airlines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Texas International Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; the city of Portland; the city of Seattle; the city of Boise; Salt Lake City; and the city of Twin Falls, Idaho.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,
Secretary.

[FR Doc.71-6821 Filed 5-14-71; 8:49 am]

[Dockets Nos. 21604, 21695]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Enforcement Proceeding; Notice of Hearing

Aloha Airlines, Inc., v. Hawaiian Airlines, Inc., Docket 21604; Hawaiian Airlines, Inc., v. Aloha Airlines, Inc., Docket 21695.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matters is assigned to be held on June 15, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., May 12, 1971.

[SEAL]

THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6818 Filed 5-14-71; 8:49 am]

[Docket No. 22118]

HAWAIIAN SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on July 20, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Milton H. Shapiro.

Requests for information and evidence, proposed statements of issues, and procedural dates shall be filed by counsel for the Bureau of Air Operations on or before June 28, 1971, and by Aloha and Hawaiian Airlines, and any other parties, on or before July 12, 1971.

Dated at Washington, D.C., May 12, 1971.

[SEAL]

THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6819 Filed 5-14-71; 8:49 am]

¹ Boise, Portland, Seattle, and Salt Lake City are points common to segments 4 and 13 on Air West's certificate of public convenience and necessity for route 76. Air West may not provide turnaround service on segment 13 because restriction 11, a long-haul restriction, provides "[a]ll flights on segment 13 shall serve Seattle, Wash., or Portland, Oreg., on the one hand, and Salt Lake City, Utah, on the other hand." On segment 4, Air West may operate only on a multistop basis between Boise, on the one hand, and Portland, Seattle, and Salt Lake City, on the other hand. See condition 4(c).

² Order 69-5-134, dated May 28, 1969. In view of our action in the present order we will take no action at this time on Air West's exemption application, Docket 20935. If the present show cause order in made final, we will dismiss the exemption application as moot. Nevertheless, Air West's present exemption authority will continue to be effective pursuant to 5 U.S.C. section 558 until final Board action on Docket 20935.

³ While Air West's present exemption authority to provide turnaround service is conditioned on the carrier providing at least three daily round trips to Twin Falls, Idaho, we tentatively find that this condition should not be included in Air West's certificate. The condition was originally imposed to assure the continuation of existing service at this intermediate point at a time when Air West's predecessor (West Coast) did not have certificate authority to provide Boise-Salt Lake City nonstop service. Order E-25819, dated October 11, 1967. Subsequently in the Reopened Pacific Northwest-Southwest Service Investigation, Docket 15459, Air West was awarded permanent Boise-Salt Lake City nonstop authority, albeit on a long-haul basis, which is not subject to the requirement of three daily round trips to Twin Falls. Furthermore, Air West presently serves Twin Falls with five flights per day. OAG, QRE, April 1, 1971. In these circumstances, we do not find any need to impose a condition requiring a specified volume of service at Twin Falls.

⁴ We further tentatively find that Air West is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation herein authorized to be performed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[Docket No. 20993; Order 71-5-42]

INTERNATIONAL AIR TRANSPORT ASSOCIATION**Order Regarding Specific Commodity Rates**

Issued under delegated authority May 10, 1971.

By Order 71-4-145, dated April 22, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-4-145 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-3 and R-4, be and hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,
Secretary.

[FR Doc. 71-6822 Filed 5-14-71; 8:49 am]

[Docket No. 19923, etc.]

LIABILITY AND CLAIM RULES AND PRACTICES INVESTIGATION**Notice of Prehearing Conference**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled matter is assigned to be held on June 24, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner John E. Faulk.

Requests for information and evidence, proposed statements of issues, and procedural dates shall be submitted by counsel for the Bureau of Economics on or before June 7, 1971, and by other parties on or before June 18, 1971.

Dated at Washington, D.C., May 12, 1971.

[SEAL]

THOMAS L. WRENN,
Chief Examiner.

[FR Doc. 71-6820 Filed 5-14-71; 8:49 am]

[Docket No. 23328; Order 71-5-24]

SIZER AIRWAYS, INC.**Order To Show Cause Regarding Establishment of Service Mail Rate**

Issued under delegated authority May 6, 1971.

The Postmaster General filed a notice of intent April 27, 1971, pursuant to 14

CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 55 cents per great circle aircraft mile for the transportation of mail by aircraft between Fargo, N.D., and Minneapolis/St. Paul, Minn., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order¹ to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sizer Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 55 cents per great circle aircraft mile between Fargo, N.D., and Minneapolis/St. Paul, Minn., based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sizer Airways, Inc., the Postmaster General, North Central Airlines, Inc., Northwest Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sizer Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

¹ As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Sizer Airways, Inc., the Postmaster General, North Central Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,
Secretary.

[FR Doc. 71-6823 Filed 5-14-71; 8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 543]

COMMON CARRIER SERVICES INFORMATION¹**Domestic Public Radio Services Applications Accepted for Filing²**

MAY 10, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commis-

¹ All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

² The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE

- 6035-C1-P-71—South Central Bell Telephone Co. (KILK82), C.P. to add frequency 6130.5 MHz toward West Point, Miss. Station location: 1002 Main Street, Columbus, MS.
- 6036-C1-P-71—South Central Bell Telephone Co. (KILT63), C.P. to add frequency 6397.4 MHz toward Columbus, Miss. Station location: 22 South Division Street, West Point, MS.
- 6037-C1-P-71—The Pacific Telephone & Telegraph Co. (KMQ41), C.P. to add frequency 3930 MHz toward Pine Hill, Calif. Station location: Wolf Creek, 6 miles southwest of Grass Valley, Calif.
- 6038-C1-P-71—The Pacific Telephone & Telegraph Co. (KMU52), C.P. to add frequency 3890 MHz toward Wolf Creek, Calif., and toward Jackson, Calif. Station location: Pine Hill, 10 miles west of Placerville, Calif.
- 6039-C1-P-71—The Pacific Telephone & Telegraph Co. (KMU53), C.P. to add frequency 3930 MHz toward Pine Hill, Calif., and 3930 and 4010 MHz toward Lodi, Calif. Station location: 1.1 miles northwest of Jackson, Calif.
- 6040-C1-P-71—The Pacific Telephone & Telegraph Co. (KNL75), C.P. to add frequencies 3890 and 3970 MHz toward Jackson, Calif. Station location: 1.2 miles west-northwest of Lodi, Calif.
- 6041-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJG91), C.P. to add frequency 3930 MHz toward Round Oak, Ga. Station location: 787 Cherry Street, Macon, Ga.
- 6042-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJG92), C.P. to add frequency 3970 MHz toward Gordon and 3890 MHz toward Macon, Ga. Station location: 0.25 mile south of Round Oak, Ga.
- 6043-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJL24), C.P. to add frequency 4010 MHz toward Round Oak, Ga., and Nickelsville, Ga. Station location: 2.5 miles south of Gordon, Ga.
- 6044-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJL23), C.P. to add frequency 3970 MHz toward Gordon, Ga. Station location: 4.2 miles southeast of Nickelsville, Ga.
- 6045-C1-P-71—American Telephone & Telegraph Co. (KEE80), C.P. to add frequencies 3750 and 3830 MHz toward Campbell Hall, N.Y. Station location: 2.5 miles northwest of Colesville, N.J.
- 6046-C1-P-71—American Telephone & Telegraph Co. (KTQ68), C.P. to add frequencies 3710 and 3790 MHz toward Colesville, N.J., and toward Putnam Valley, N.Y. Station location: 2 miles east of Campbell Hall, N.Y.
- 6047-C1-P-71—American Telephone & Telegraph Co. (KTQ67), C.P. to add frequencies 3750 and 3830 MHz toward Campbell Hall, N.Y. Station location: Putnam Valley, 3.9 miles east of Cold Spring, N.Y.
- American Telephone & Telegraph Co. Eight C.P. applications to construct one additional pair of Western Electric Type TH channels between New York and Putnam Valley, N.Y., and one additional pair of Western Electric Type TD-3 channels between Stamford and Durham, Conn.
- 6048-C1-P-71—American Telephone & Telegraph Co. (KEL79), Add frequency 6093.5 MHz toward Roslyn Harbor, N.Y. Station location: 811 10th Avenue, New York, N.Y.
- 6049-C1-P-71—American Telephone & Telegraph Co. (KYS89), C.P. to add frequency 6345.5 MHz toward New York, N.Y., and Stamford, Conn. Station location: 0.1 mile north-east of Roslyn, N.Y.
- 6050-C1-P-71—American Telephone & Telegraph Co. (KYS88), C.P. to add frequency 6093.5 MHz toward Roslyn Harbor, N.Y., and 6093.5 and 4070 MHz toward South Salem, N.Y. Station location: Intersection of Catoona and Mayno Lane, Stamford, Conn.
- 6051-C1-P-71—American Telephone & Telegraph Co. (KYS87), C.P. to add frequencies 6345.5 and 4030 MHz toward Stamford, Conn., and toward Putnam Valley, N.Y. Station location: 1.4 miles southeast of South Salem, N.Y.
- 6052-C1-P-71—American Telephone & Telegraph Co. (KTO67), C.P. to add frequencies 6093.5 and 4070 MHz toward South Salem, N.Y., and 3990 MHz toward New Fairfield, Conn. Station location: 3.9 miles east of Cold Spring, N.Y.
- 6053-C1-P-71—American Telephone & Telegraph Co. (KTQ66), C.P. to add frequency 3950 MHz toward Putnam Valley, N.Y., and 3950 MHz toward Bethany, Conn. Station location: 1.9 miles southwest of New Fairfield, Conn.

sion has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

- 6033-C2-TC-71—Southern Telephone Co. Consent to transfer of control from Norman C. Gibbons, Transferor, to: Allied Telephone Co., Transferee, Station KAH665, Purdy, Mo.
- 6112-C2-P-71—Business Communications Inc. (KAA888), C.P. to add frequency 454.275 MHz at location No. 1: 4466 West Pine Boulevard, St. Louis, MO.
- 6146-C2-P-71—Mobile Telephone Co. of New Jersey (KRS620), C.P. to add frequency 454.250 MHz at station located at Cuthbert Builders, East Cuthbert Boulevard and MacArthur Boulevard, Westmont, NJ.
- 6157-C2-P-71—Haywood & Stevens (KLF491), C.P. to add frequency 152.21 MHz at station located at 1865 Jacksonville Road, Ocala, FL.
- 6232-C2-P-71—Mobilfone, Inc. (KMB309), C.P. for additional control facilities to operate on frequency 72.42 MHz at location No. 3: John Poole Building, Mount Wilson, Calif.
- 6235-C2-P-71—Kidd's Communications, Inc. (KMA257), C.P. to change antenna system, power and replace transmitter operating on 152.09 MHz at location No. 6 LaCima, Kettleman Hills, 3.5 miles east of Avenal, Calif.
- 6236-C2-P-71—The Chesapeake & Potomac Telephone Co. (KGC405), C.P. to change antenna system, power and replace transmitters for ground frequencies 454.675 MHz (signaling) and 454.950 MHz (base) at 1420 Columbia Road NW., Washington, DC.
- 6237-C1/C2-AL-(6)-71—Greenwood-United Telephone Co. Consent to assignment of licenses from Greenwood-United States Telephone Co., Inc., Assignor, to United Telephone Co. of the Carolinas, Inc., Assignee (Pro forma). Stations: KIA954, Verdery, S.C., KIA961, Greenwood, S.C.
- 4487-C2-R-71—The Chesapeake & Potomac Telephone Co. (KWA641), Renewal of Developmental license expiring May 14, 1971. Term: May 14, 1971 to May 14, 1972.

RURAL RADIO SERVICE

- 6101-C1-P/ML-71—Delta Valley Radiotelephone Co., Inc. (KOA82), C.P. and modification of license to add frequency 459.325 MHz and (15 units) to operate in any temporary fixed location within the territory of the grantee.
- 6102-C1-P/ML-71—Mobile Radio Communication Service (New), C.P. and license for a new rural subscriber station to operate on frequency 158.52 MHz with (10 units) in any temporary location within the territory of the applicant.
- 6125-C1-P-71—Western States Telephone Co., Inc. (New), C.P. for a new rural subscriber station to be located at the Hunt Building Mart, Sunrise Park, Ariz., to operate on frequency 157.89 MHz.
- 6126-C1-P-71—Western States Telephone Co., Inc. (New), Same as above, except, to be located at Chevelon Lumber Camp, Ariz.
- 6127-C1-P-71—Western States Telephone Co., Inc. (New), Same, except, to be located at Forest Lake Estates, Ariz.
- 6128-C1-P-71—Western States Telephone Co., Inc. (New), Same, except, to be located at Chevelon Ranger Station, Ariz.
- 6148-C1-P/L-71—Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 36 miles north-northwest of Bill, Wyo., to operate on frequency 157.80 MHz.

- 6054-C1-P-71—American Telephone & Telegraph Co. (KTQ65), C.P. to add frequency 3990 MHz toward New Fairfield, Conn., and toward Durham, Conn. Station location: 1.2 miles south of Bethany, Conn.
- 6055-C1-P-71—American Telephone & Telegraph Co. (KCD68), C.P. to add frequency 3950 MHz toward Bethany, Conn. Station location: 3.4 miles northeast of Durham, Conn.
- 6056-C1-P-71—American Telephone & Telegraph Co. (KXJ62), C.P. to add frequencies 3770, 3850, and 4190 MHz toward Marion, Wis., a new point of communication. Station location: 2.0 miles east-northeast of Hortonville, Wis.
- 6057-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 4.75 miles south of Marion, Wis. Frequencies: 3730, 3810, and 4198 MHz toward Hortonville, Wis., and toward Eland, Wis.
- 6058-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 1 mile north of Eland, Wis. Frequencies: 3770, 3850, and 4190 MHz toward Marion, Wis., and 3770, 3850, and 4198 MHz toward Rib Hill Junction, Wis.
- 6059-C1-P-71—American Telephone & Telegraph Co. (KSJ43), C.P. to add frequencies 3780, 3810, and 4190 MHz toward Eland, Wis., a new point of communication. Station location: Rib Hill Junction 2.5 miles southwest of Wausau, Wis.
- 6103-C1-P-71—Golden West Telephone Co. (KMZ74), C.P. to change frequency 6395 MHz to 3810 and 3890 MHz toward Oregon Mountain, Calif. Station location: 221 Main Street, Weaverville, Calif.
- 6104-C1-P-71—Golden West Telephone Co. (KMZ42), C.P. to change frequency 6235 MHz to 4070 and 4150 MHz toward Horse Mountain, Calif., and 6275 MHz to 4090 and 4170 MHz toward Weaverville, Calif. Station location: Oregon Mountain, 2.5 miles southwest of Weaverville, Calif.
- 6105-C1-P-71—Golden West Telephone Co. (KMZ75), C.P. to change frequency 6355 MHz to 3790 and 3870 MHz toward Oregon Mountain, Calif., and change 6275 MHz to 3810 and 3890 MHz toward Willow Creek, Calif., via passive reflector, and change coordinates for station and passive reflector at Willow Creek to latitude 40°52'29" N., longitude 123°43'55" W., for station and passive toward Willow Creek to latitude 40°57'12" N., longitude 123°39'30" W.
- 6106-C1-P-71—Golden West Telephone Co. (KMZ76), C.P. to change frequencies to 4090 and 4170 MHz toward Horse Mountain, Calif., via passive reflector, and station coordinates to latitude 40°56'26" N., longitude 123°37'53" W.; passive reflector coordinates to latitude 40°57'12" N., longitude 123°39'30" W. Station location: Willow Creek, Calif.
- 6113-C1-P-71—American Telephone & Telegraph Co. (KYQ63), C.P. to add frequency 3990 MHz toward Waldorf, Md. Station location: 900 South Walter Reed Drive, Arlington, Va.
- 6114-C1-P-71—American Telephone & Telegraph Co. (KGH26), C.P. to add frequency 3950 MHz toward Arlington, Va. Station location: 1.1 mile south-southeast of Waldorf, Md.
- 6116-C1-P-71—Southwestern Bell Telephone Co. (KYJ47), C.P. to add frequencies 6231, 6204.7, 11,405, and 11,565 MHz toward High Point, Ark. Station location: 715 Louisiana, Little Rock, Ark.
- 6117-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at High Point Mountain, 2.4 miles northwest of Roland, Ark. Frequencies: 6071.2 and 10,955 MHz toward Little Rock, Ark., 6056.4 and 10,755 MHz toward Cadron Ridge, Ark., and 5937.8 and 10,915 MHz toward Morrilton, Ark., and 5952.6 and 11,115 MHz toward Little Rock, Ark.
- 6118-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at Cadron Ridge, 3.7 miles west-northwest of Conway, Ark. Frequencies: 6308.4 and 11,685 MHz toward High Point, Ark., and 6323.3 and 11,405 MHz toward Bee Branch, Ark.
- 6119-C1-P-71—Southwestern Bell Telephone Co. (KLS71), C.P. to change frequencies 10,755 and 10,995 MHz to 6056.4 and 10,755 MHz toward Botkinburg, Ark., change frequencies and point of communication toward Greenbrier, Ark., to 6071.2 and 10,955 MHz toward Cadron Ridge, Ark. Station location: Bee Branch, 2.5 miles northwest of Bee Branch, Ark.
- 6120-C1-P-71—Southwestern Bell Telephone Co. (KLS72), C.P. to change frequency 11,645 MHz toward Marshall, Ark., to 6323.3 MHz and frequency 11,445 MHz to Bee Branch, Ark. Station location: Botkinburg, 2.25 miles north of Botkinburg, Ark.
- 6121-C1-P-71—Southwestern Bell Telephone Co. (KLS73), C.P. to change frequencies and point of communication at St. Joe, Ark., to 6056.4 and 10,755 MHz toward Boat Mountain, Ark. Change frequency 10,715 MHz to 6071.2 MHz toward Botkinburg, Ark. Station location: 1.75 miles south of Marshall, Ark.
- 6122-C1-P-71—Southwestern Bell Telephone Co. (KLS76), C.P. to change frequencies 10,755 and 10,995 MHz toward Harrison, Ark., to 6323.3 and 11,405 MHz. Change frequencies and point of communication toward St. Joe, Ark., to 6308.4 and 11,685 MHz toward Marshall, Ark. Station location: Boat Mountain, 4 miles west of Western Grove, Ark.
- 6123-C1-P-71—Southwestern Bell Telephone Co. (KLS76), C.P. to change frequencies and point of communication toward Western Grove, Ark., to 6071.2 and 10,955 MHz toward Boat Mountain, Ark. Station location: 105 South Pine Street, Harrison, Ark.
- 6124-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 609 South Moose, Morrilton, Ark. Frequencies: 6189.8 and 11,365 MHz toward High Point, Ark.
- 6129-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 221 West Fourth Street, Pueblo, Colo. Frequencies: 4050 and 4130 MHz toward Cedarwood, Colo.
- 6130-C1-P-71—American Telephone & Telegraph Co. (KAS85), C.P. to add frequencies 4090 and 4170 MHz toward Pueblo, Colo., a new point of communication. Station location: 8.9 miles northeast of Cedarwood, Colo.
- 6147-C1-P-ML-71—The Chesapeake and Potomac Telephone Co. of Virginia (KIP50), C.P. and modification of license to add frequencies 2110–2130 MHz; 2160–2180 MHz; 3700–4200 MHz; 5925–6425 MHz; 10,700–11,700 MHz. (110 units) In any temporary fixed location within the territory of the grantee.
- 6149-C1-P-71—American Telephone & Telegraph Co. (KID63), C.P. to add frequency 6004.5 MHz toward Sawnee Mountain, Ga. Station location: 51 Ivy Street, Atlanta, Ga.
- 6150-C1-P-71—American Telephone & Telegraph Co. (KID64), C.P. to add frequency 6226.9 MHz toward Atlanta, Ga., and 6256.5 MHz toward Dahlonega, Ga. Station location: 2 miles northwest of Cumming, Ga.
- 6151-C1-P-71—American Telephone & Telegraph Co. (KRS93), C.P. to add frequency 5974.8 MHz toward Sawnee Mountain, Ga. Station location: 5 miles east-southeast of Dahlonega, Ga.
- 6152-C1-P-71—American Telephone & Telegraph Co. (KEM66), C.P. to add frequencies 3710 and 4110 MHz toward Paterson West, N.J. Station location: 75 Passaic Street, Rochelle Park, N.J.
- 6153-C1-P-71—American Telephone & Telegraph Co. (KEM65), C.P. to add frequencies 3750 and 4150 MHz toward Rochelle Park, N.J., and 3830 MHz toward Alpine, N.J. Station location: Paterson-Hamburg Turnpike near Benwell Avenue, Wayne Township, N.J.
- 6154-C1-P-71—American Telephone & Telegraph Co. (KEM67), C.P. to add frequency 3790 MHz toward Paterson West, N.J., and toward White Plains, N.Y. Station location: 2.2 miles north-northeast of Alpine, N.J.
- 6155-C1-P-71—American Telephone & Telegraph Co. (KED51), C.P. to add frequency 3830 MHz toward Alpine, N.J. Station location: 400 Hamilton Avenue, White Plains, N.Y.
- American Telephone & Telegraph Co. Thirty-nine C.P. applications to construct Type TD-2, TD-3A, and Type TH radio relay channels on existing routes.
- 6159-C1-P-71—American Telephone & Telegraph Co. (KEL79), Add frequencies 3770, 3850, 3930, and 4170 MHz toward Iselin, N.J. Station location: 811 10th Avenue, New York, NY.
- 6160-C1-P-71—American Telephone & Telegraph Co. (KEA76), Add frequencies 3730, 3810, 3890, and 4130 MHz toward New York, N.Y., and Cherryville, N.J. Station location: 0.85 mile west of Iselin, N.J.
- 6161-C1-P-71—American Telephone & Telegraph Co. (KEA77), Add frequencies 3770, 3850, 3930, and 4170 MHz toward Iselin, N.J., and 4090 and 4170 MHz toward Lanark, Pa. Station location: 0.8 mile north of Cherryville, N.J.
- 6162-C1-P-71—American Telephone & Telegraph Co. (KGN36), Add frequencies 4050 and 4130 MHz toward Cherryville, N.J., and 3790 MHz toward Centerport, Pa. Station location: Lanark, 3 miles southeast of Allentown, Pa.
- 6163-C1-P-71—American Telephone & Telegraph Co. (KGO74), Add frequency 3830 MHz toward Lanark and 3910 MHz toward Cornwall, Pa. Station location: 1.6 miles south of Centerport, Pa.
- 6164-C1-P-71—American Telephone & Telegraph Co. (KGO75), Add frequency 3870 MHz toward Centerport and Freysville, Pa. Station location: 2.7 miles southeast of Cornwall, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6165-C1-P-71—American Telephone & Telegraph Co. (KGO76), Add frequency 3910 MHz toward Cornwall and Hanover, Pa. Station location: 0.7 mile southeast of Freysville, Pa.

6166-C1-P-71—American Telephone & Telegraph Co. (KGO77), Add frequency 3870 MHz toward Freysville and Cashtown, Pa. Station location: 4.6 miles north-northeast of Hanover, Pa.

6167-C1-P-71—American Telephone & Telegraph Co. (KGO79), Add frequency 3910 MHz toward Hanover and McConnellsburg, Pa. Station location: 3.6 miles west of Cashtown, Pa.

6168-C1-P-71—American Telephone & Telegraph Co. (KGO80), Add frequency 3870 MHz toward Cashtown and Chaneyville, Pa. Station location: 2.5 miles southeast of McConnellsburg, Pa.

6169-C1-P-71—American Telephone & Telegraph Co. (KGO81), Add frequency 3910 MHz toward McConnellsburg, Pa., and Salisburg, Pa. Station location: 2.9 miles west of Chaneyville, Pa.

6170-C1-P-71—American Telephone & Telegraph Co. (KGO84), Add frequency 3870 MHz toward Chaneyville and Fairchance, Pa. Station location: 5.5 miles northwest of Salisburg, Pa.

6171-C1-P-71—American Telephone & Telegraph Co. (KGO85), Add frequency 3910 MHz toward Salisburg and Sycamore, Pa. Station location: 3 miles southeast of Fairchance, Pa.

6172-C1-P-71—American Telephone & Telegraph Co. (KGO83), Add frequency 3870 MHz toward Fairchance, Pa., and 3790, 3870, 4030, and 4110 MHz toward Bridgeport, Ohio, and 6256.5 and 6375.2 MHz toward Layton, Pa.

6173-C1-P-71—American Telephone & Telegraph Co. (KGP82), Add frequencies 6004.5 and 6123.1 MHz toward Sycamore and Jennerstown, Pa. Station location: Layton, 4.9 miles west of Scottsdale, Pa.

6174-C1-P-71—American Telephone & Telegraph Co. (KGH33), Add frequencies 6256.5 and 6375.2 MHz toward Layton, Pa. Station location: 3.5 miles northwest of Jennerstown, Pa.

6175-C1-P-71—American Telephone & Telegraph Co. (KQE49), Add frequencies 3830, 3910, 4070, and 4150 MHz toward Sycamore, Pa. Station location: 1.3 miles south of Bridgeport, Ohio.

6176-C1-P-71—American Telephone & Telegraph Co. (KQO64), Add frequency 4030 MHz toward Bridgeport, Ohio. Station location: 1.6 miles west-northwest of Malaga, Ohio.

6177-C1-P-71—American Telephone & Telegraph Co. (KQO65), Add frequency 4070 MHz toward Malaga, Ohio. Station location: 3.2 miles south of Pleasant City, Ohio.

6178-C1-P-71—American Telephone & Telegraph Co. (KQO66), Add frequency 4030 MHz toward Pleasant City, Ohio. Station location: 2.7 miles east of McConnellsville, Ohio.

6179-C1-P-71—American Telephone & Telegraph Co. (KQO67), Add frequency 4070 MHz toward McConnellsville, Ohio. Station location: 3.5 miles south-southwest of New Lexington, Ohio.

6180-C1-P-71—American Telephone & Telegraph Co. (KQO68), Add frequency 4030 MHz toward New Lexington, Ohio, and 6315.9 and 3870 MHz toward Frankfort, Ohio. Station location: 3 miles northeast of Amanda, Ohio.

6181-C1-P-71—American Telephone & Telegraph Co. (KQO33), Add frequencies 6063.8 and 3910 MHz toward Amanda and Washington Court House, Ohio. Station location: 4.4 miles east of Frankfort, Ohio.

6182-C1-P-71—American Telephone & Telegraph Co. (KQO72), Add frequencies 6315.9 and 3870 MHz toward Frankfort and Wilmington, Ohio. Station location: 3.2 miles northeast of Washington Court House, Ohio.

6183-C1-P-71—American Telephone & Telegraph Co. (KQO73), Add frequencies 6063.8 and 3910 MHz toward Washington Court House, Ohio, and toward Blue Ball, Ohio. Station location: 4 miles north of Wilmington, Ohio.

6184-C1-P-71—American Telephone & Telegraph Co. (KQO32), Add frequencies 6315.9 and 3870 MHz toward Wilmington and Shandon, Ohio. Station location: 1.2 miles southeast of Blue Ball, Ohio.

6185-C1-P-71—American Telephone & Telegraph Co. (KQO34), Add frequencies 6063.8 and 3910 MHz toward Blue Ball, Ohio, and Lawrenceburg, Ind. Station location: 2.7 miles north-northeast of Shandon, Ohio.

6186-C1-P-71—American Telephone & Telegraph Co. (KSP69), Add frequencies 6315.9 and 3870 MHz toward Shandon, Ohio, and 6315.9 MHz toward Versailles, Ind. Station location: 3.3 miles north-northwest of Lawrenceburg, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6187-C1-P-71—American Telephone & Telegraph Co. (KSP70), Add frequency 6063.8 MHz toward Lawrenceburg and Paris Crossing, Ind. Station location: 3.1 miles south-southwest of Versailles, Ind.

6188-C1-P-71—American Telephone & Telegraph Co. (KSP71), Add frequency 6315.9 MHz toward Versailles and Henryville, Ind. Station location: 2 miles east of Paris Crossing, Ind.

6189-C1-P-71—American Telephone & Telegraph Co. (KSP72), Add frequency 6063.8 MHz toward Paris Crossing and Hardinsburg, Ind. Station location: 5 miles west of Henryville, Ind.

6190-C1-P-71—American Telephone & Telegraph Co. (KSP73), Add frequency 6315.9 MHz toward Henryville and Birdseye, Ind. Station location: 1.2 miles southeast of Hardinsburg, Ind.

6191-C1-P-71—American Telephone & Telegraph Co. (KSP75), Add frequency 6063.8 MHz toward Hardinsburg and Stendal, Ind. Station location: 1.9 miles southwest of Birdseye, Ind.

6192-C1-P-71—American Telephone & Telegraph Co. (KSP76), Add frequency 6315.9 MHz toward Birdseye and Fort Branch, Ind. Station location: 0.35 mile north of Stendal, Ind.

6193-C1-P-71—American Telephone & Telegraph Co. (KSP77), Add frequency 6063.8 MHz toward Stendal, Ind., and Crossville, Ill. Station location: 0.7 mile southeast of Fort Branch, Ind.

6194-C1-P-71—American Telephone & Telegraph Co. (KSP79), Add frequency 6315.9 MHz toward Fort Branch, Ind., and toward McLeansboro, Ill. Station location: 2.8 miles east of Crossville, Ill.

6195-C1-P-71—American Telephone & Telegraph Co. (KSP80), Add frequency 6063.8 MHz toward Crossville and Valer, Ill. Station location: 4 miles south-southwest of McLeansboro, Ill.

6196-C1-P-71—American Telephone & Telegraph Co. (KSP81), Add frequency 6315.9 MHz toward McLeansboro and Oakdale, Ill. Station location: 2.3 miles north-northeast of Valer, Ill.

6197-C1-P-71—American Telephone & Telegraph Co. (KSP82), Add frequency 6063.8 MHz toward Valer, Ill. Station location: 4.9 miles east of Oakdale, Ill.

6199-C1-P-71—General Telephone Co. of the Southwest (New), C.P. for a new station to be located at 601 Denver Avenue, Dalhart, Tex. Frequencies: 5974.8 and 6093.5 MHz toward Hartley, Tex.

86-C1-R-71—Hawaiian Telephone Co. (KUQ93), Renewal of station license expiring May 23, 1971. Term: May 23, 1971 to May 23, 1972. (Developmental)

6229-C1-P/ML-71—Hawaiian Telephone Co. (KUQ93), C.P. and Modification of license to add frequencies 3700-4200 MHz. Station location: In any temporary fixed location within the territory of the grantee. (Developmental)

6230-C1-P-71—United Telephone Co. of the Carolinas, Inc. (KJK32), C.P. to add frequencies 6034.2 and 6152.8 MHz toward Laurel Bay, S.C. Station location: 1413 Prince Street, Beaufort, S.C. Correct coordinates to read: Latitude 32°26'07" N., longitude 80°40'42" W.

6231-C1-P-71—United Telephone Co. of the Carolinas, Inc. (New), C.P. for a new station to be located at 0.1 mile north of Highway 116, Laurel Bay, S.C. Frequencies: 6286.2 and 6404.8 MHz toward Beaufort, S.C.

6237-C1/C2-AL-(6)-71—Greenwood-United Telephone Co., Inc. Consent to assignment of license from Greenwood-United Telephone Co., Inc., Assignor to United Telephone Co. of the Carolinas, Inc., Assignee. Stations: (Pro forma) KIC29, Greenwood, S.C.; KIJ98, Troy, S.C.; KIT51, Ware Shoals, S.C.; KG36, Saluda, S.C.

Major Amendment

3577-C1-P-71—American Telephone & Telegraph Co. (KAN24), Change frequencies to 3750 and 3830 MHz toward Watson, Mo.

3578-C1-P-71—American Telephone & Telegraph Co. (KAO51), Change frequencies to 3710 and 3790 MHz. Location: 7 miles north-northeast of Watson, Mo.

3579-C1-P-71—American Telephone & Telegraph Co. (KAO50), Change frequencies to 3750 and 3830 MHz. Location: 5 miles north-northwest of Humboldt, Nebr.

3580-C1-P-71—American Telephone & Telegraph Co. (KAO49), Change frequencies to 3710 and 3790 MHz. Location: 6 miles north of Beattie, Kans.

The following applicants propose to establish conditional facilities for the provision of common carrier "Subscriber-Programmed" television service.

6233-C1-P-71—World Ventures, Inc. (New), C.P. for a new station to be located at Atlantic Richfield Building, Figueroa and Sixth Streets, Los Angeles, Calif. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and frequencies 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

6234-C1-P-71—World Ventures, Inc. (New), C.P. for a new station to be located at Wells Fargo Building, Post and Montgomery Streets, San Francisco, Calif. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and frequencies 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

LOCAL TELEVISION TRANSMISSION SERVICE MOBILE-TV-PICKUP

6158-C1-P/ML-71—The Southern New England Telephone Co. (KA9704), C.P. and modification of license to delete transmitters (7) RCA TTR-1B (4) RCA TTV-1A (4) RCA TTV-1-BX. Add transmitters (8) RCA TTV-1BX-F (2) Microwave Associates, MA-7A-1. Frequencies: 6425-6525. Location: In the territory served by this company.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

Major Amendment

3483-C1-P-71—Mountain Microwave Corp. (KB22), Application amended to change frequencies 11,015, 11,095, 11,815, and 11,855 MHz to 11,015, 11,095, 10,815, and 10,855 MHz on azimuth 348°18' toward Colorow, Colo. Station location: Almagre Mountain, Colo., latitude 38°46'25" N., longitude 104°59'30" W.

United Video, Inc. (New), Change frequency from 11,135 MHz to 10,815 MHz toward Kearney, Mo. Station location: Shelton, Mo., latitude 40°47'43" N., longitude 98°46'08" W. All other particulars same as reported in Public Notice dated Feb. 1, 1971.

United Video, Inc. (New), Application amended to delete frequencies 10,895 MHz and 10,975 MHz toward Fairbury, Ill., on azimuth 270°57'. Station location: 1 mile north of Onarga, Ill. 5199-C1-P-66—United Video, Inc. (New), Application amended to delete frequencies 11,385 MHz and 11,465 MHz toward Bloomington, Ill., on azimuth of 237°37'. Station location: 0.7 mile south of Fairbury, Ill.

2205-C1-P-71—United Video, Inc. (New), Application amended (a) to delete frequencies 11,505 MHz and 11,585 MHz toward Decatur and Paris, Ill., on azimuths 272°04' and 111°41', respectively; and (b) to add (reinstate) frequency 11,665 MHz toward Mattoon, Ill., on azimuth 192°13'. Station location: 0.1 mile northeast of Tuscola, Ill.

2206-C1-P-71—United Video, Inc. (New), Application amended (a) to delete frequencies 11,055 MHz and 11,135 MHz toward Effingham, Ill., on azimuth 198°17'; and (b) to add (reinstate) frequency 10,735 MHz toward Charleston, Ill., on azimuth 97°07'. Station location: 0.27 mile northeast of Mattoon, Ill.

4781-C1-P-71—United Video, Inc. (New), Application amended (a) to add (reinstate) frequency 11,225 MHz toward Flora, Ill., on azimuth 180°06'; and (b) to change such frequency 11,225 MHz to 11,545 MHz toward Flora, Ill., and toward Mattoon, Ill., on azimuth of 18°15'. Station location: 1 mile east of Effingham, Ill.

4780-C1-P-71—United Video, Inc. (New), Application amended to add (reinstate) frequency 11,135 MHz toward Mount Vernon, Ill., on azimuth 224°26'. Station location: 1.6 miles west of Flora, Ill.

2410-C1-P-67—United Video, Inc. (New), Application amended to delete frequencies 11,465 MHz and 11,545 MHz toward Mount Carmel and Robinson, Ill., on azimuths of 142°40' and 41°04', respectively. Station location: 0.5 mile north of Olney, Ill.

4900-C1-P-66—United Video, Inc. (New), Application amended to delete frequencies 11,545 MHz and 11,625 MHz toward Johnson City, Ill., on azimuth 177°07'. Station location: 2.2 miles northwest of Mount Vernon, Ill.

4901-C1-P-66—United Video, Inc. (New), Application amended to delete frequencies 11,055 MHz and 11,135 MHz toward Carbondale, Ill., on azimuth 252°06'. Station location: 2.6 miles southeast of Johnston City, Ill.

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3581-C1-P-71—American Telephone & Telegraph Co. (KA048), Change frequencies to 3750 and 3850 MHz. Location: 4.5 miles southeast of Linn, Kans.

3582-C1-P-71—American Telephone & Telegraph Co. (KA047), Change frequencies to 3710 and 3790 MHz toward Linn, Kans., and to 3750 and 3850 MHz toward Minneapolis, Kans.

(All other particulars same as reported in Public Notice dated Jan. 18, 1971.)

POINT-TO-POINT MICROWAVE RADIO SERVICE: (NONTELEPHONE)

6097-C1-P-71—United Video, Inc. (New), C.P. for a new station 1.6 miles north of Coffeyville, Kans., latitude 37°04'05" N., longitude 95°38'24" W. Frequencies: 11,225 and 11,385 MHz on azimuth 219°17'.

6098-C1-P-71—United Video, Inc. (New), C.P. for a new station 0.5 mile northeast of Bartlesville, Okla., at latitude 36°45'40" N., longitude 95°57'06" W. Frequencies 10,775 and 11,095 MHz on azimuth 219°46'.

6099-C1-P-71—United Video, Inc. (New), C.P. for a new station 6 miles south of Barnsdall, Okla., at latitude 36°29'49" N., longitude 96°13'25" W. Frequencies: 11,225 and 11,285 MHz on an azimuth of 268°43'.

6100-C1-P-71—United Video, Inc. (New), C.P. for a new station 2.5 miles southwest of Ralston, Okla., at latitude 36°29'09" N., longitude 96°46'18" W. Frequencies: 10,775 and 11,095 MHz on azimuth 210°11'.

(INFORMATIVE: Applicant proposes to provide the television signals of Stations KOIT-TV and KBMA of Kansas City, Mo., to Bartlesville Video, Inc., in Bartlesville, Okla., and to Frontier Cablevision, Inc., in Salliswater, Okla.)

6109-C1-MP-71—(KPP37), Modification of C.P. to change frequency to 10,895 MHz on azimuth 85°55'. Location: Bozeman Bass, 12 miles west of Livingston, Mont., at latitude 45°38'54" N., longitude 110°48'04" W.

6110-C1-MP-71—(KQO42), Modification of C.P. to change frequency to 6271.4 MHz on azimuths 253°32' and 339°04'. Location: 19 miles northeast of Greydelf, Mont., at latitude 45°55'35" N., longitude 109°29'44" W.

6131-C1-MP-71—Mountain Microwave Corp. (KPP88), Modification of C.P. to change frequencies to 5945.2, 5974.8, 6004.5, and 6093.5 MHz on azimuth 105°57'. Location: 15 miles northwest of Helper, Utah, at latitude 39°48'37" N., longitude 111°05'55" W.

6132-C1-MP-71—Mountain Microwave Corp. (KPP89), Modification of C.P. to change frequencies, to 6226.9, 6256.5, 6345.5, and 6197.2 MHz on azimuth of 48°14' and to 6197.2 and 6256.5 MHz on azimuth 102°52', and to 6197.2 and 6256.5 MHz on azimuth 286°11'. Location: Bruin Point, 7 miles north-northeast of Dragerton, Utah, at latitude 39°38'40" N., longitude 110°20'50" W.

6133-C1-P-71—Mountain Microwave Corp. (KPP90), Modification of C.P. to change frequencies to 5945.2 and 6004.5 MHz on azimuth 130° and 18° and to 6034.2 and 6152.8 MHz on azimuth 283°15'. Location: Roan Cliffs, 24.5 miles north of Westwater, Utah, at latitude 39°26'10" N., longitude 109°10'12" W.

6134-C1-MP-71—Mountain Microwave Corp. (KVD95), Modification of C.P. to change frequency to 6404.8 MHz on azimuths 310°39' and 43°48'. Location: 2.5 miles southwest of Grand Junction, Colo., at latitude 39°03'31" N., longitude 108°36'04" W.

6156-C1-MP-71—Eastern Microwave, Inc. (KEM58), Modification of C.P. to change location of Queensbury, N.Y. receiving site to latitude 43°18'58" N., longitude 73°37'18" W., and extend required date of completion to 6 months after date of grant. Frequencies: 5960.0, 6019.3, and 6078.6 MHz on azimuth 22°27'. Location: Helderberg Mountain, 1.75 miles northwest of New Salem, N.Y.

6198-C1-P-71—Video Service Co. (KSP64), C.P. to add frequency 6301.0 MHz and replace transmitter operating on 6360.3 MHz on azimuth 198°04'. Location: 0.8 mile northwest of Monticello, Ind., at latitude 40°45'00" N., longitude 86°47'03.2" W.

(INFORMATIVE: Applicant proposes to provide the television signal of WTTW-TV of Chicago to Purdue University in West Lafayette, Ind.)

6200-C1-P-71—Pacific Teletronics, Inc. (KTG38), C.P. to power split frequency 6145.3 MHz on azimuth 68°01'. Location: Shasta Bally, 13 miles west of Redding, Calif., at latitude 40°36'09" N., longitude 122°39'01" W.

(INFORMATIVE: Applicant proposes to provide the television signal of KEET to TV Service Club in Burney, Calif.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)—continued

2624-C1-P-66—United Video, Inc. (New), Application amended to delete frequencies 10,975 MHz and 11,055 MHz toward Terre Haute, Ind., on azimuth 130°37'. Station location: 0.5 mile northeast of Paris, Ill.

2622-C1-P-66—United Video, Inc. (New), Application amended to delete frequencies 11,095 MHz and 11,175 MHz toward Lincoln and Springfield, Ill., on azimuths of 314°09' and 266°51', respectively. Station location: Decatur, Ill.

(INFORMATIVE: These amendments, in conjunction with previous amendments (Public Notice 3-22-71), have the effect of severing United's original proposal for a microwave system in the State of Illinois into two separate proposals. Proposal No. 1, bearing Files Nos. 2618, 2619, 6587, 6588, 2621, 2623, 4898, 4899, and 4902-C1-P-66, would deliver two Chicago television signals to subscribers in Charleston, Effingham, and Vandalia, Ill. Proposal No. 2, bearing Files Nos. 2622 and 2624-C1-P-66, 4900/01-C1-P-66, 5199 and 5202-C1-P-66, 2410-C1-P-67, 2204 through 2206-C1-P-71, and 4780/81-C1-P-71, would deliver, where applicable, various television signals from Chicago, Ill., St. Louis, Mo., and Terre Haute, Ind., to subscribers in Bloomington, Carbondale, Charleston, Decatur, Effingham, Johnston City, Lincoln, Mount Carmel, Mount Vernon, Olney, Paris, Robinson, Springfield, and Urbana, all in Illinois, and Terre Haute, Ind. These amendments do not involve any changes relating to identity of signal to be carried or customers to be served that have not previously appeared on Public Notice. (However, note reinstatement of several previously deleted frequency paths.)

[FR Doc. 71-6748 Filed 5-14-71; 8:45 am]

[FCC 71-500]

UHF TRANSLATORS TO BE OPERATED ON CERTAIN UNASSIGNED CHANNELS

MAY 6, 1971.

As the result of the reallocation of UHF channels 70-83 (806-890 MHz) to the land mobile radio services in Docket No. 18262 (First Report and Order and Second Notice of Inquiry, 19 RR 2d 1663), the Commission, on May 21, 1970, released a Notice of Proposed Rule Making in Docket No. 18861 (RR 54:231), proposing, among other things, to permit television translator stations to operate on Channels 14 through 69 (470-806 MHz) which are not allocated in the Television Table of Assignments (referred to herein as unassigned channels). On July 8, 1970, the Commission delegated to the Chief, Broadcast Bureau, authority to accept and act upon applications for new UHF translators which specified Channels 21 through 69 (512-806 MHz), inclusive, provided that such applications were consistent with all Commission rules and policies except with respect to the frequency specified. The procedure was to be effective until a final decision was made in Docket No. 18861. On July 9, 1970, a public notice was issued advising prospective applicants of this action and inviting such applications (FCC 70-749).

In connection with the rule-making proceeding in Docket No. 18861, the Broadcast Bureau has under study a plan to limit UHF translators operating on unassigned channels to frequencies from 716-806 MHz (channels 55 through 69). Although this plan has not yet been submitted to the Commission for consideration, the Commission believes that it would be in the best interests of all applicants and prospective applicants for UHF translators to urge them to specify a UHF channel which would be consistent with the plan under study. Otherwise, applications may be granted for channels below 55, only to have the permittees be required to change channels in the near future. For this reason, the Commission gives notice that, effective upon release of this notice, the authority delegated to the Chief, Broadcast Bureau, to accept and act upon applications

for UHF translators to operate on unassigned channels from 21 through 69, is hereby revised to the extent of limiting that authority to applications which specify channels from 55 through 69, inclusive.

Applications for UHF translators to operate on channels from 70-83 (806-890 MHz) will continue to be accepted and acted upon during the pendency of the rule-making proceeding in Docket No. 18861; applications for UHF translators on unassigned channels below 55 will be acted upon, on a case-by-case basis, by the Commission.

Action by the Commission May 5, 1971.¹

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-6806 Filed 5-14-71; 8:48 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 98]

FIRST S & L SHARES, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Rocky Mountain Savings and Loan Association

MAY 11, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from First S & L Shares, Inc., Denver, Colo., a multiple savings and loan holding company, for approval of acquisition of control of the Rocky Mountain Savings and Loan Association, Glenwood Springs, Colo., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of First S & L Shares, Inc., for stock of Rocky Mountain Savings and Loan Association.

¹ Commissioners Burch (Chairman), Bartley, Johnson, H. Rex Lee and Houser.

Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL]

JACK CARTER,
Secretary,

Federal Home Loan Bank Board.

[FR Doc. 71-6772 Filed 5-14-71; 8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-54]

PACIFIC WESTBOUND CONFERENCE

Application To Extend Exclusive Patronage (Dual Rate) Contract System; Order of Investigation and Hearing

The Commission has before it the application of the Pacific Westbound Conference to expand the scope of its approved form of exclusive patronage contract to include the Conference's Overland Common Point territory. This application (57DR-4) has been filed for approval under section 14b of the Shipping Act, 1916.

Various parties, denominated as petitioners in Appendix A below, have filed comments and/or requests for hearing.

It is ordered, That pursuant to sections 14b and 22 of the Shipping Act, 1916, as amended, an investigation and hearing be instituted to determine what transportation circumstances necessitated the filing of 57DR-4 and whether the expansion of the Pacific Westbound Conference's approved form of exclusive patronage contract would be justified in the circumstances; whether 57DR-4 should be approved, disapproved, or modified pursuant to section 14b of the Shipping Act, 1916; and whether Article 2(b) (the natural routing clause) should be modified to clearly reflect shippers' rights and obligations under the contract; and

It is further ordered, That the lines listed as Respondents in Appendix A below are hereby made respondents in this proceeding; and

It is further ordered, That those parties listed as Petitioners in Appendix A below, are hereby made parties to this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners; and

It is further ordered, That any person, other than respondents, petitioners, and Hearing Counsel who desires to become a party to this proceeding and participate therein, shall file a petition to

intervene promptly with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copy to parties. And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

I. RESPONDENTS

Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.
American Mail Line, Ltd., 1010 Washington Building, Seattle, WA 98101.
American President Lines, Ltd., 601 California Street, San Francisco, CA 94108.
Barber Lines, A/S, c/o Overseas Shipping Co., Agents, One California Street, San Francisco, CA 94111.
Japan Line, Ltd., c/o Japan Line (USA), Ltd., One Wilshire Building, Los Angeles, CA 90017.
Kawasaki Kisen Kaisha, Ltd., c/o Kerr Steamship Co., Inc., Agents, One California Street, San Francisco, CA 94111.
Knutson Line, c/o Bakke Steamship Corp., Agents, 650 California Street, San Francisco, CA 94108.
AP. Moller-Maersk Line, c/o The East Asiatic Co., Agents, 650 California Street, San Francisco, CA 94108.
Maritime Company of the Philippines, c/o North American Maritime Agencies, 214 Front Street, San Francisco, CA 94111.
Mitsui-O.S.K. Lines, Ltd., c/o Williams, Diamond & Co., Agents, 215 Market Street, San Francisco, CA 94105.
Nippon Yusen Kaisha, c/o Transmarine Navigation Corp., Agents, 555 California Street, San Francisco, CA 94104.
Pacific Far East Line, Inc., 141 Battery Street, San Francisco, CA 94111.
Showa Shipping Co., Ltd., c/o Transmarine Navigation Corp., Agents, 555 California Street, San Francisco, CA 94104.
States Marine Lines, 90 Broad Street, New York, NY 10004.
States Steamship Co., 320 California Street, San Francisco, CA 94104.
The Shipping Corp. of India, Ltd., c/o Olympic Steamship Co., Inc., Agents, 425 California Street, San Francisco, CA 94104.
Scindia Steams Navigation Co., Ltd., c/o Interolsen Agencies, Inc., Agents, 160 Sansome Street, San Francisco, CA 94133.
Transportacion Maritima Mexicana, S.A., c/o Williams, Diamond & Co., Agents, 215 Market Street, San Francisco, CA 94105.
Peninsular and Oriental Steam Navigation Co., c/o Williams, Diamond & Co., Agents, 215 Market Street, San Francisco, CA 94105.
United Philippine Lines, c/o General Steamship Corp., Ltd., Agents, 400 California Street, San Francisco, CA 94104.
United States Lines, Inc., One Broadway, New York, NY 10004.
Waterman Steamship Corp., 140 Broadway, New York, NY 10005.
Weyerhaeuser Lines, Broadway Terrace Building, Tacoma, WA 98401.
Yamashita-Shinnihon Steamship Co., Ltd., c/o Lilly Shipping Agencies, Agents, One California Street, San Francisco, CA 94111.

II. PETITIONERS

Allis-Chalmers (International Division), Milwaukee, Wis. 53201.
American Cotton Shippers Association, 1707 L Street NW., Washington, DC 20036.

The Port of New York Authority, c/o Paul M. Donovan, Esq., La Roe, Winn & Moerman, Investment Building, Washington, DC 20005.

Minnesota Mining and Manufacturing Co., c/o Terrence D. Jones, Esq., Billig & Jones, 1108 16th Street NW., Washington, DC 20036.

Orient Overseas Container Lines, c/o Richard W. Kurras, Esq., Kurras & Jacobi, 2000 K Street NW., Washington, DC 20006.

Caterpillar Tractor Co., Peoria, Ill. 61602.
American Hoist & Derrick Co., 63 South Robert Street, St. Paul, MN 55107.

[FR Doc. 71-6810 Filed 5-14-71; 8:48 am]

[Docket No. 71-53]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Pacific/Puerto Rico Trade; Order of Investigation and Suspension

Sea-Land Service, Inc., has filed with the Federal Maritime Commission Supplement No. 11 to its Tariffs FMC-F No. 19 to become effective May 16, 1971. This supplement generally increases rates and charges in the subject trade.

In Sea-Land Service, Inc.—Increases in Rates in the U.S. Pacific Coast/Puerto Rico Trade (Dockets Nos. 70-1 and 70-1 (Sub 1)), Sea-Land has effectuated a series of selective rate increases with the stated intention of eventually, step-by-step, achieving a single overall general rate increase. However, with the filing of the supplement in question herein, Sea-Land has abandoned its stated intention and instituted an overall general rate increase applying to those tariff items which already were subjected to selective rate increases as well as various other tariff items. The effect appears to be twofold:

1. When considered standing alone, the supplement in question herein constitutes a single overall general rate increase in lieu of another selective rate increase on a step-by-step basis, and
2. When considered in the context of Sea-Land Service, Inc.—Increases in Rates in the U.S. Pacific Coast/Puerto Rico Trade (Dockets Nos. 70-1 and 70-1 (Sub 1)), the supplement in question constitutes the second increases on selected tariff items while, at the same time, only the first increases on various other tariff items. Thus, it appears that the supplement in question herein not only serves to raise the overall revenues of Sea-Land, but serves to distribute the burden of its rates and charges among its tariff items in a manner different than heretofore prevailing.

Upon consideration of said supplement and protests filed theretofore, the Commission is of the opinion that the above-designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. This investigation and hearing shall be separate from the in-

vestigation under Sea-Land Service Inc.—Increases in Rates in the U.S. Pacific Coast/Puerto Rico Trade (Dockets Nos. 70-1 and 70-1 (Sub 1)). And good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplement No. 11 to Tariff FMC-F No. 19 is suspended and the use thereof deferred to and including September 15, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc. a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 16, 1971 unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Sea-Land Service be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that

the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, the petitioners listed in the attached appendix and published in the *FEDERAL REGISTER*; and (II) the said respondent and petitioners be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rules 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX

Edward Schmeltzer, Esq., Mario F. Escudero, Esq., Edward J. Sheppard IV, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue, NW., Washington, DC 20036, attorneys for The Commonwealth of Puerto Rico.

Charles E. Duroni, Esq., H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230 (For Star-Kist Foods, Inc. a wholly owned subsidiary).

[FR Doc. 71-6809 Filed 5-14-71; 8:48 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-24, etc.]

B. M. BRITAIN ET AL.

Finding and Order

MAY 5, 1971.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, amending orders issuing certificates, canceling FPC gas rate schedules, terminating rate proceedings, and canceling docket number.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and the appendix hereto.

Applicants, Herbert L. Coppock and Stanley Coppock, Jr., do not presently have any certificate or rate schedule on file with the Commission. All other Applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. Certain sales by these applicants have been made at rates in effect subject to refund. The certificates authorizing said sales will be terminated and the related rate schedules will be canceled. The proceedings in which increased rates collected subject to refund by any of these

applicants were equal to or below area ceiling rates will be terminated.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the *FEDERAL REGISTER*, no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on April 28, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to applicants should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to make the sales which will be continued pursuant to small producer certificates and that the related FPC gas rate schedules should be canceled.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of

this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated or the orders issuing said certificates are amended by deleting therefrom authorization to make

the sales which will be continued pursuant to small producer certificates and the related FPC gas rate schedules are canceled as indicated in the appendix hereto.

(F) The proceedings in which applicants' increased rates have not been made effective or have been made effective

subject to refund and are less than the applicable area rate base are terminated as indicated in the appendix hereto.

(G) Docket No. CS71-36 is canceled.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-24 10-16-70	B. M. Britain et al.	1 G-2981	RI71-40	
	do	2 G-4116	RI70-1473	
	do	3 G-9818		
	do	4 G-14540		
CS71-25 10-19-70	Producer's Gas Co.	1 G-16014	RI71-40	
CS71-26 10-19-70	Lear Petroleum Corp. (Operator) et al.	1 C169-434		
	do	1 C169-447		
	do	2 C170-291		
	do	3 C167-11		
	do	4 C170-516		
	do	5 C171-339		
CS71-27 10-19-70	Cecil L. Lahier et al.	1 C169-585		
	do	2 C170-356		
CS71-28 10-20-70	Coral Gas & Oil, Inc., formerly Crown Petroleum, Inc.	2 C169-331	RI70-567	
	do	3 C169-344	RI70-567	
	do	4 C169-363		
	do	5 C170-091		
	do	6 C171-092		
	do	7 C171-137		
	do	8 C171-162	RI65-549 ³	
	do	1 C170-998	RI70-267 ³	
CS71-29 10-21-70	Rimrock Exploration Co., agent (Operator) et al.	1 C168-899	RI71-11	
CS71-32 10-23-70	Phileon Development Co. (Operator) et al.	2 C169-808	RI70-616	
	do	3 C170-547		
	do	4 C171-521		
CS71-33 10-22-70	J. M. Hawley et al.	1 G-19709	RI67-228	
	do	2 C167-10	RI70-537	
CS71-34 10-22-70	Jane Clayton Russell (Operator) et al. ^{3b}	1 G-19712	RI67-229	
	do	3a 3 G-19708 ^{3a}	RI70-540	
	do	1 G-19711		
CS71-35 10/22/70	W. H. Taylor Estate et al.	4 G-6091	RI67-233	
CS71-37 10/22/70	Helen J. Clayton et al.	4 G-6091	RI70-538	
CS71-38 10/22/70	Earl Clayton and J. M. Hawley, individually and as independent executor and trustee of the estate of W. H. Taylor, deceased.	4 G-6091	RI67-231	
	do	4 G-6091	RI70-537	
CS71-39 10/22/70	Martha Clayton Estes (Operator) et al.	4 G-6091	RI67-437	
CS71-40 10/22/70	Earl Clayton et al.	2 G-19710	RI67-230	
	do	1 G-19713	RI70-539	
	do	1 G-19713	RI67-231	

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-41 10/26/70	Kingwood Oil Co.	4 G-15426	RI60-456	
	do	6 G-19221	RI68-71	
	do	7 G-19798	RI65-579	
	do	9 C160-536	RI70-1496 ⁸	
	do	10 C160-744		
	do	11 C161-287		
	do	12 C161-1297		
	do	14 C162-139		
	do	15 C163-1492	RI64-800	
	do	16 C164-479	RI70-1497	
	do	17 C164-1253	RI70-241	
	do	18 C164-1288	RI70-1398	
	do	19 C167-291	RI68-362	
	do	20 C168-586	RI68-362	
	do	21 C168-586	RI61-48	
	do	22 C168-586	RI64-728	
	do	23 C168-643	RI64-162	
	do	24 C170-844	RI68-501	
CS71-42 10-27-70	Kirkpatrick Oil & Gas Co. (Operator) et al.	1 G-17108		
	do	2 C169-2	RI68-482	
	do	3 C168-706		
	do	4 C168-886		
	do	5 C168-698		
	do	6 C168-772		
	do	7 C168-802		
	do	8 C168-1324		
	do	9 C169-676		
	do	5 G-18585	RI66-640	
CS71-46 10-28-70	Rip C. Underwood et al.	6 C161-766	RI70-507 ⁹	
	do	7 C162-905	RI67-315	
CS71-48 10-29-70	Glen S. Soderstrom (Operator) et al.	1 C170-99		
CS71-49 10-29-70	Frank F. DuBose	2 G-12355	RI64-779	
	do	5 G-6535		
	do	6 C169-1335		
CS71-50 10-29-70	Nathan Appleman, d.b.a. N. Appleman Co. (Operator) et al.	1 G-4375		
	do	2 G-4457	RI62-286	
	do	5 G-12210	RI65-455	
	do	6 G-13725	RI62-285	
	do	7 G-4374	RI61-412	
	do	8 G-4478		
	do	9 C169-1107		
CS71-51 10-29-70	Calvert Exploration Co. (Operator) et al.	2 C163-393		
	do	3 C163-1165	RI68-440	
	do	4 C164-1284	RI69-814	
	do	5 C162-366	RI68-195	
	do	6 C162-1377	RI68-195	
	do	7 C163-444	RI68-615	
	do	8 C165-1004	RI68-542	
	do	10 C164-593	RI68-195	
	do		RI68-400 ¹⁰	
	do		RI68-195	
	do		RI68-615	

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
	Calvert Exploration Co. (Operator) et al.		11 CI65-30	RI68-701.
	do		11 CI66-10	RI68-700.
	do		11 CI67-664	
	do		11 CI67-1685 ¹²	RI68-705.
	do		11 CI67-1793	
	do		11 CI68-142 ^{13 14}	
	do		11 CI69-449 ¹⁵	
	do		11 CI68-1215 ¹⁶	
CS71-52 10-30-70	Herbert L. Coppock and Stanley Coppock, Jr.		1 CI63-392	
CS71-53 10-30-70	Sam K. Viersen, Jr.		1 CI62-90	
CS71-54 10-30-70	Sam K. Viersen		1 CI62-409	RI64-586. RI70-984.
CS71-58 10-30-70	E. J. Dunigan, Jr., Trustee		2 G-13649	RI60-128.
CS71-60 11-2-70	Mull Drilling Co., Inc. (Operator) et al.		3 G-14710	RI60-128. RI67-278. RI70-299.
	do		4 G-17758	RI60-128. RI67-278. RI70-299.
	do		5 G-17827	RI60-128. RI65-13. RI69-736.
	do		8 CI65-89	
CS71-61 11-2-70	Lonita, Inc. (Operator) et al.		13 CI63-811	
	do		12 CI67-1048	
CS71-63 11-2-70	Ozark-Mahoning Co.		1 CI60-584	RI65-391. RI70-298. ¹⁵
	do		2 CI60-712	
	do		3 CI60-711	
	do		4 CI61-314	
	do		5 CI63-685	RI70-298. ¹⁶
	do		7 CI64-66	RI70-298. ¹⁶
	do		8 CI64-777	RI70-298. ¹⁶
	do		9 CI66-587 ¹⁷	
	do		10 CI67-28	
	do		11 CI68-1021	RI70-298. ¹⁸
CS71-64 11-2-70	Grady L. Fox et al.		1 CI60-565	
CS71-65 11-2-70	Richome Oil & Gas Co., a.k.a. Richome Oil Co. (Operator) et al.		13 CI67-265	
CS71-66 11-2-70	L. H. Puckett (Operator) et al.		1 G-17974	RI61-386. RI66-233. RI71-655.
	do		1 G-7359	
CS71-67 11-2-70	A. W. Moursund		2 CI69-317	RI67-402. ²⁰
	do		1 CI71-189	
CS71-72 11-2-70	J. A. Mull, Jr. (Operator) et al.		2 CI71-328	
	do		1 CI61-500	RI67-279. RI70-300.
	do		2 CI61-1322	RI67-279. RI70-300.
	do		3 CI65-91	RI70-909.
CS71-76 11-2-70	J. Lee Youngblood (Operator) et al.		1 G-15298	
	do		2 CI63-986	RI68-642.
	do		3 CI63-826	RI65-570. RI70-1127.
CS71-80 11-2-70	Sharples & Co., Properties (Operator) et al.		5 CI68-791	
	do		4 G-10031	RI62-34. RI67-64.
CS71-111 11-4-70	Joe A. Humphrey		1 G-6078	
CS71-210 2-16-71	Barnett Oil Co. et al.		1 CI63-1519	
	do		1 CI68-960	
	do		2 CI70-802	

¹ Temporary certificate.

² Rate schedule on file as J. M. Hawley, doing business as Hawley Oil Co.

³ Terminated only insofar as it pertains to sales made pursuant to Crown Petroleum, Inc., FPC Gas Rate Schedule No. 8.

⁴ Certificate and rate schedule on file as Jane Clayton Oakes et al.

⁵ Applicant also filed an application in Docket No. CS71-36, which number is canceled herein.

⁶ Rate schedule on file as J. M. Hawley (Operator) et al.

⁷ Rate schedule on file as J. M. Hawley, Trustee (Operator) et al.

⁸ Terminated only insofar as it pertains to sales made pursuant to Kingwood Oil Co. FPC Gas Rate Schedule No. 6.

⁹ Terminated only insofar as it pertains to sales made pursuant to Kingwood Oil Co. FPC Gas Rate Schedule No. 21.

¹⁰ Terminated only insofar as it pertains to sales made pursuant to Kingwood Oil Co. FPC Gas Rate Schedule No. 22.

¹¹ Terminated only insofar as it pertains to sales made pursuant to Rip C. Underwood FPC Gas Rate Schedule No. 5.

¹² Terminated only insofar as it pertains to Calvert Exploration Co. FPC Gas Rate Schedule No. 10.

¹³ Rate schedule on file as Calvert-Mid America, Inc.

¹⁴ Certificate terminated only insofar as it pertains to Calvert-Mid America, Inc.

¹⁵ Temporary certificate.

¹⁶ Rate schedule on file as Calvert Funds, Inc.

¹⁷ Rate schedules on file as Lonita Oil Corp., Inc.

¹⁸ Terminated only insofar as it pertains to sales made pursuant to Ozark-Mahoning Co. FPC Gas Rate Schedules Nos. 1, 5, 7, 8, and 11.

¹⁹ Certificate terminated only insofar as it pertains to Ozark-Mahoning Co.

²⁰ Rate schedule on file as Richome Oil & Gas Co. FPC Gas Rate Schedule No. 1.

²¹ Rate schedule on file as Richome Oil Co. FPC Gas Rate Schedule No. 1.

²² Terminated only insofar as it pertains to sales made pursuant to A. W. Moursund FPC Gas Rate Schedule No. 1.

[FR Doc.71-6661 Filed 5-14-71;8:45 am]

FEDERAL RESERVE SYSTEM FOURTH NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by The Fourth National Corp., Tulsa, Okla., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The Fourth National Bank of Tulsa, Tulsa, Okla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors,
May 10, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6773 Filed 5-14-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-15]

ADP SOFTWARE

Procurement

To heads of Federal agencies.

1. *Purpose.* This regulation eliminates the option of agencies to make unrestricted procurement of ADP software, without GSA approval, after determining that there is not a readily identifiable and substantial use for the software elsewhere in the Government.

2. *Effective date.* This regulation is effective July 1, 1971.

3. *Applicability.* The provisions of this regulation apply to all Federal agencies.

4. *Background.* As a result of a conference on the management of computer systems in the Federal Government sponsored by the Office of Management and Budget, it was determined that the provisions of FPMR 101-32.403-2, relating to procurement authority for software, did not provide an effective base for coordinating the acquisition and use of commercial software products. As stipulated in the cited regulation, GSA review and approval is required only if, in the judgment of the agency, the software has the potential for substantial use elsewhere in the Government. It was concluded at the conference that removing the judgment factor would bring under management the review of all proposed software procurements of sufficient value to warrant a coordinated approach to extend the utility of software and reduce its costs.

5. *Procurement of software.* Agencies may procure software for use with automatic data processing equipment without prior approval of GSA when:

a. The procurement will occur by placing a purchase/delivery order against an applicable Federal Supply Schedule contract under the terms of the contract; or

b. The total procurement for the specific software package does not exceed \$7,500 annual lease cost, excluding maintenance, or \$10,000 purchase cost.

6. *Expiration date.* This regulation expires December 31, 1971, unless sooner revised or superseded. Prior to this expiration date, this regulation will be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management.

7. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to General Services Administration (FTP), Washington, DC 20406, no later than October 31, 1971, for consideration and possible incorporation into the permanent regulation.

Dated: May 14, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.
[FR Doc. 71-6919 Filed 5-14-71; 9:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 10, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 11, 1971, through May 20, 1971.

By the Commission,

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71-6817 Filed 5-14-71; 8:49 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 7, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42192—*Chlorine to Emco and Listerhill, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-226), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Emco and Listerhill, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 262 and 156 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4773, respectively.

FSA No. 42193—*Chlorine to Hamilton, Miss.* Filed by Southwestern Freight Bureau, agent (No. B-224), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Hamilton, Miss.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 262 and 156 to Southwestern Freight Bureau, agent,

tariffs ICC 4668 and 4773, respectively.

FSA No. 42194—*Peanuts between points in Arkansas, Oklahoma, and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-229), for interested rail carriers. Rates on peanuts, unshelled, raw, in bulk or in sacks, in boxes or in barrels, in carloads, as described in the application, between points in Arkansas, on the one hand, and points in Oklahoma and Texas, on the other.

Grounds for relief—Market competition, revision of minimum weights.

Tariff—Supplement 90 to Southwestern Freight Bureau, agent, tariff ICC 4737.

FSA No. 42195—*Liquefied carbon dioxide from Hopewell, Va.* Filed by O. W. South, Jr., agent (No. A6252), for interested rail carriers. Rates on carbon dioxide, liquefied, in tank carloads, as described in the application, from Hopewell, Va., to Ormewood Station, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 205 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-6828 Filed 5-14-71; 8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 12, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42198—*Salt from Stafford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-237), for interested rail carriers. Rates on salt, common (sodium chloride), in carloads, as described in the application, from Stafford, Tex., to points in southwestern territory, also Natchez, Vicksburg, Miss., and Memphis, Tenn.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 109 to Southwestern Freight Bureau, agent, tariff ICC 4819.

FSA No. 42199—*Pulpboard or fiberboard from Schilling, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 466), for interested rail carriers. Rates on pulpboard or fiberboard, NOIBN, in carloads, as described in the application, from Schilling, Mont., to points in various territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 119 to Trans-Continental Freight Bureau, agent, tariff ICC 1785.

FSA No. 42200—*Cinnamon flavored sugar and beet or cane sugar from*

points in Louisiana and Texas. Filed by Southwestern Freight Bureau, agent (No. B-230), for interested rail carriers. Rates on cinnamon flavored sugar, in packages, in mixed carloads with beet and cane sugar, as described in the application, from points in Louisiana and Texas, to points in Illinois, southwestern and western-trunk-line territories, and Memphis, Tenn., also returned shipments in the reverse direction.

Grounds for relief—Market competition, returned movement of commodities.

Tariff—Supplement 32 to Southwestern Freight Bureau, agent, tariff ICC 4886.

FSA No. 42201—Isobutane from Pascagoula, Miss. Filed by O. W. South, Jr., agent (No. A6254), for interested rail carriers. Rates on isobutane, suitable only for further refining or blending in tank carloads, as described in the application, from Pascagoula, Miss., to Canton, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 89 to Southern Freight Association, agent, tariff ICC S-775.

FSA No. 42202—Chlorine to Camp Croft, S.C. Filed by O. W. South, Jr., agent (No. A6253), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Brunswick, Ga., and Acme, N.C., to Camp Croft, S.C.

Grounds for relief—Market competition.

Tariffs—Supplements 38 and 206 to Southern Freight Association, agent, tariffs ICC S-936 and S-517, respectively.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6829 Filed 5-14-71; 8:50 am]

[Notice 293]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 10, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and

can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 55TA), filed May 3, 1971. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, frozen or not frozen, in vehicles equipped with mechanical refrigeration, from Salem, Ohio, to Garden City, N.Y., for 180 days. Supporting shipper: Carl L. Haderer, Assistant to the G.T.M., The Great Atlantic & Pacific Tea Co., Inc., National Traffic and Transportation Department, 90 Delaware Avenue, Paterson, NJ 07503. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, MD 21801.

No. MC 4705 (Sub-No. 1 TA), filed April 29, 1971. Applicant: LAWRENCE F. NEPLL, Halbur, Iowa 51444. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Linseed meal and linseed pellets, from Minneapolis, Minn., and its commercial zone, to points in Carroll and Calhoun Counties, Iowa, for 150 days. Supporting shipper: Collison Bros., Arcadia, Iowa (Carroll County). Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, IA 51101.

No. MC 18121 (Sub-No. 13 TA), filed April 29, 1971. Applicant: ADVANCE TRANSPORTATION COMPANY, 2115 South First Street, Milwaukee, WI 53207. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods, commodities in bulk and requiring special equipment), between points in Chicago, Ill., and the commercial zone, and, points in Racine and Kenosha Counties, Wis., for 180 days. Supporting shippers: Rubber Rollers Mfg., Union Grove, Wis.; Keystone Ferrule & Nut Corp., Burlington, Wis.; Lavelle Rubber Manufacturing Corp., Burlington, Wis.; Bardon Rubber Products Co., Inc., Union Grove, Wis.; and Grave Gear Corp., Union Grove, Wis. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 22229 (Sub-No. 68 TA), filed April 29, 1971. Applicant: TERMINAL TRANSPORT CO., INC., 248 Chester

Avenue SE., Atlanta, GA 30316 (Post Office Box 1918, 30301). Applicant's representative: L. Harold Kerlin (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, between Atlanta, Ga., and Detroit, Mich., from Atlanta over U.S. Highway 41 to Chattanooga, Tenn., thence over U.S. Highway 27 to junction Interstate Highway 75 near Lexington, Ky., thence over Interstate Highway 75 to Cincinnati, Ohio, thence over U.S. Highway 25 (also Interstate Highway 75) to Detroit, Mich., and return over the same routes, for 180 days. Note: Service is authorized at the intermediate point of Cincinnati, Ohio, for the purpose of joinder only with carrier's authorized operations in No. MC 22229 and sub numbers thereunder. Supporting shipper: Applicant supports its own statement. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 51146 (Sub-No. 216 TA), filed April 28, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products, from Montgomery and Elk Grove Village, Ill., to points in Minnesota, for 180 days. Supporting shipper: Western Kraft Corp., by B. M. Fischer and Associates, 174 Hale Street, Elmhurst, IL 60126. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 72442 (Sub-No. 33 TA), filed May 3, 1971. Applicant: AKERS MOTOR LINES, INC., Post Office Box 579, Gastonia, NC 28052. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), (1) between Greensboro, N.C., and Thomasville, Ga., serving all intermediate points, from Greensboro over U.S. Highway 29 and Alternate U.S. Highway 29 via Charlotte, N.C., Spartanburg and Greenville, S.C., Athens and Atlanta, Ga., to La Grange, Ga., thence over Georgia Highway 219 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, Ga. (also from Greenville over U.S. Highway 123 to Easley, S.C., thence over South Carolina Highway 93 to junction U.S. Highway 123 near Clemson, S.C., thence over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta and thence over Georgia Highway 85 to

Columbus), thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany (also from Athens over U.S. Highway 129 to Macon, Ga., thence over U.S. Highway 41 to Cordele, Ga., and thence over Georgia Highway 257 to Albany), and thence over Georgia Highway 3 to Thomasville (also from Albany over Georgia Highway 133 to Moultrie, Ga., and thence over U.S. Highway 319 to Thomasville), and return over the same route;

(2) Between Raleigh, N.C., and Charlotte, N.C., serving all intermediate points; (a) from Raleigh over U.S. Highway 70 to Greensboro, N.C., thence over U.S. Highway 421 to Winston-Salem, N.C., thence over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over U.S. Highway 21 to junction North Carolina Highway 115, thence over North Carolina Highway 115 to junction U.S. Highway 21 near Charlotte, N.C., thence over U.S. Highway 21 to Charlotte, N.C., and return over the same route; (b) from Raleigh over U.S. Highway 64 to Asheville, N.C., thence over North Carolina Highway 49 to Charlotte and return over the same route; (c) from Raleigh over U.S. Highway 1 to Sanford, N.C., thence over U.S. Highway 15 to Carthage, N.C., thence over North Carolina Highway 27 to Charlotte and return over the same route; (3) between Statesville, N.C. and Hazelwood, N.C., serving all intermediate points, from Statesville over U.S. Highway 70 and Alternate U.S. Highway 70 via Conover to Asheville, N.C., thence over U.S. Highway 23 to Hazelwood and return over the same route; (4) between Kings Mountain, N.C., and Asheville, N.C., serving all intermediate points, from Kings Mountain over U.S. Highway 74 via Shelby N.C., to Forest City, N.C. (also from Shelby over North Carolina Highway 150 to Boiling Springs, N.C., thence over unnumbered highway to Cliffside, N.C., thence over Alternate U.S. Highway 221 to Forest City), thence over U.S. Highway 74 to Asheville and return over the same routes;

(5) Between Conover, N.C., and Monroe, N.C., serving all intermediate points, from Conover over North Carolina Highway 16 to Newton, N.C. (also from Conover over U.S. Highway 321 to Newton, N.C.), thence over U.S. Highway 321 to Lincolnton, N.C., thence over North Carolina Highway 27 to Charlotte, N.C., thence over U.S. Highway 74 to Monroe, and return over the same route; (6) between Salisbury, N.C., and Albemarle, N.C., serving all intermediate points, from Salisbury over U.S. Highway 52 via New London, N.C., to Albemarle (also from New London over North Carolina Highway 740 to Badin, N.C., thence over unnumbered highway to Albemarle) and return over the same routes; (7) between Asheville, N.C., and junction U.S. Highway 25 and South Carolina Highway 121 near Trenton, S.C., serving all intermediate points, from Asheville over U.S. Highway 25 to junction South Carolina Highway 121 near Trenton, and return over the same

route; (8) between Hendersonville, N.C., and Whitmire, S.C., serving all intermediate points, from Hendersonville over U.S. Highway 176 to Whitmire and return over the same route; (9) between Charlotte, N.C., and Albany, Ga., serving all intermediate points, from Charlotte over U.S. Highway 521 to Pineville, N.C., thence over North Carolina Highway 51 to junction U.S. Highway 21, thence over U.S. Highway 21 via Columbia, S.C., to Salkehatchie, S.C., thence over Alternate U.S. Highway 17 to Pocatigo, S.C., thence over U.S. Highway 17 to Savannah, Ga. (also from Pineville over U.S. Highway 21 to the North Carolina-South Carolina State line, thence over South Carolina Highway 72 via Rock Hill, S.C., to Chester, S.C., thence over U.S. Highway 321 to Savannah), thence over U.S. Highway 17 via Midway, Ga., to Brunswick, Ga., thence over U.S. Highway 84 to Waycross, Ga. (also from Midway over U.S. Highway 82 to Waycross), thence over U.S. Highway 82 to Albany and return over the same route;

(10) Between Concord, N.C., and Augusta, Ga., serving all intermediate points, from Concord over U.S. Highway 601 to Kershaw, S.C., thence over U.S. Highway 521 to Camden, S.C., thence over U.S. Highway 1 to Augusta and return over the same route; (11) between Gastonia, N.C., and Augusta, Ga., serving all intermediate points, from Gastonia over U.S. Highway 321 to Chester, S.C., thence over South Carolina Highway 72 to Whitmire, S.C., thence over U.S. Highway 176 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to junction U.S. Highway 25 near Trenton, S.C., thence over U.S. Highway 25 to Augusta and return over the same route; (12) between North Augusta, S.C., and Fairfax, S.C., serving all intermediate points, from North Augusta over U.S. Highway 278 to Fairfax and return over the same route; (13) between Camden, S.C., and Charleston, S.C., serving all intermediate points, from Camden over U.S. Highway 521 to Sumter, S.C., thence over U.S. Highway 15 to Wells, S.C., thence over U.S. Highway 176 to Charleston and return over the same route; (14) between Columbia, S.C., and Sumter, S.C., serving all intermediate points, from Columbia over U.S. Highway 76 to Sumter and return over the same route; (15) between junction U.S. Highways 176 and 21 near Sandy Run, S.C., and Wells, S.C., serving all intermediate points, from junction U.S. Highways 176 and 21 over U.S. Highway 176 to Wells and return over the same route; (16) between Pineville, N.C., and Kershaw, S.C., serving all intermediate points, from Pineville over U.S. Highway 521 to Kershaw and return over the same route;

(17) between Chester, S.C., and Lancaster, S.C., serving all intermediate points, from Chester over South Carolina Highway 9 to Lancaster and return over the same route; (18) between Spartanburg, S.C., and Laurens, S.C., serving all intermediate points, from Spartanburg over U.S. Highway 221 to Laurens and return over the same route; (19) between

Greenville, S.C., and Newberry, S.C., serving all intermediate points, from Greenville over U.S. Highway 276 to junction South Carolina Highway 417, thence over South Carolina Highway 417 to junction South Carolina Highway 14, thence over South Carolina Highway 14 to Laurens, S.C., thence over U.S. Highway 76 to Newberry and return over the same route; (20) between Greenville, S.C., and Calhoun Falls, S.C., serving all intermediate points, from Greenville over South Carolina Highway 81 to Calhoun Falls and return over the same route; (21) between Clemson, S.C., and Laurens, S.C., serving all intermediate points, from Clemson over U.S. Highway 76 to Laurens and return over the same route; (22) between Whitmire, S.C., and Athens, Ga., serving all intermediate points, from Whitmire over South Carolina Highway 72 to the South Carolina-Georgia State line, thence over Georgia Highway 72 to Athens and return over the same route; (23) between Seneca, S.C., and Monroe, Ga., serving all intermediate points, from Seneca over South Carolina Highway 59 to the South Carolina-Georgia State line, thence over Georgia Highway 59 to Commerce, Ga., thence over Georgia Highway 15 to Jefferson, Ga., thence over Georgia Highway 11 to Monroe and return over the same route;

(24) Between Atlanta, Ga., and Augusta, Ga., serving all intermediate points, from Atlanta over U.S. Highway 78 via Athens, Ga., to Thompson, Ga. (also from Atlanta over U.S. Highway 278 to Thompson), thence over U.S. Highway 78 to Augusta and return over the same routes; (25) between Atlanta, Ga., and Jesup, Ga., serving all intermediate points, from Atlanta over U.S. Highway 41 to junction Georgia Highway 3, thence over Georgia Highway 3 to junction U.S. Highway 41 near Griffin, Ga., thence over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over U.S. Highway 23 to Forsyth), thence over U.S. Highway 41 to Macon, Ga., thence over U.S. Highway 23 to Hazlehurst, Ga., thence over U.S. Highway 341 to Jesup and return over the same routes; (26) between Echeconnee, Ga., and Albany, Ga., serving all intermediate points, from Echeconnee over Georgia Highway 49 to Americus, Ga., thence over U.S. Highway 19 to Albany and return over the same route; (27) between Cordele, Ga., and Valdosta, Ga., serving all intermediate points, from Cordele over U.S. Highway 41 to Valdosta and return over the same route; (28) between Madison, Ga., and Woodbury, Ga., serving all intermediate points; from Madison over Georgia Highway 83 to Monticello, Ga., thence over Georgia Highway 16 to Griffin, Ga., thence over U.S. Highway 19 to Zebulon, Ga., thence over Georgia Highway 18 to Woodbury and return over the same route; (29) between Zebulon, Ga., and Barnesville, Ga., serving all intermediate points, from Zebulon over U.S. Highway 19 to Thomaston, Ga., thence over Georgia Highway 36 to Barnesville and return over the same route;

(30) Between Fort Valley, Ga., and Eastman, Ga., serving all intermediate points, from Fort Valley, Ga., over U.S. Highway 341 via Perry, Ga., and Hawkinsville, Ga., to Eastman, Ga., and return over the same route; (31) between Camilla, Ga., and Moultrie, Ga., serving all intermediate points, from Camilla over Georgia Highway 37 to Moultrie and return over the same route; (32) between Gray, Ga., and Warrenton, Ga., serving all intermediate points, from Gray over Georgia Highway 22 to Sparta, Ga., thence over Georgia Highway 16 to Warrenton and return over the same route; (33) between Macon, Ga., and Eastman, Ga., serving all intermediate points, from Macon over U.S. Highway 80 to Dublin, Ga., thence over U.S. Highway 319 to junction Georgia Highway 117, thence over Georgia Highway 117 to Eastman and return over the same route; (34) serving the following off-route points in connection with routes described hereinabove: Cooleemee, Eden (Leaksville-Spray), Norwood, and Mount Gilead, N.C., and points in North Carolina within 25 miles of Gastonia, N.C.; Catechee, Cherokee Falls, Kings Creek, Pickens, Walhalla, Buffalo, Lockhart, Hampton, Fort Jackson, and Parris Island, S.C., points within 15 miles of Spartanburg, S.C., and points within 15 miles of Greenville, S.C.; Bainbridge, Clarksville, Clayton, Clyatteville, Claxton, Douglas, Habersham, Hawkinsville, Juliette, Millen, Milstead, Porterdale, Pottersville, Warm Springs, Warner Robins, and Woodland, Ga.

Restriction: The service sought hereinabove is subject to the following conditions: Service at authorized points in South Carolina (other than those in Anderson, Oconee, Pickens, Greenville, Spartanburg, Cherokee, Laurens, Union, York, Greenwood, and Abbeville Counties) is restricted to traffic moving to or from points north of the North Carolina-Virginia State line. Service at authorized points in Georgia, except for the pickup of cotton piece goods, is restricted to traffic moving from, to, or through (a) points in 11 South Carolina counties named above; (b) Gastonia, N.C., and points in North Carolina within 25 miles of Gastonia; and (c) points north of the North Carolina-Virginia State line, serving the commercial zones of all authorized points; for 150 days. Note: The authority sought in this proceeding duplicates the routes authorized in Part C of the certificate issued to applicant in MC 72442 (Sub-No. 4). The change in the authority sought here in that authorized in Part C of Sub 4 relates to the restriction set forth in the second restricting paragraph of Part C. As here material that restriction limits Georgia traffic to shipments originating at or destined to 11 specified South Carolina counties and Gastonia, N.C., and points within 25 miles thereof and points which would be north of the North Carolina-Virginia State line. The sole purpose of this application is to modify that restriction so that it would be restricted to traffic moving from, to, or through the described

territory. Supporting shippers: There are approximately 104 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 77340 (Sub-No. 3 TA), filed April 29, 1971. Applicant: E. J. DICKIE TRUCKING COMPANY, Post Office Box 265, 521 Bogart Street, Bagdad, AZ 86321. Applicant's representative: Richard Minne, 609 Luhrs Building, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper precipitates*, in bulk, from the plantsite of Shields Development Co., Ltd., near Milford, Utah, to Bagdad, Ariz., for 180 days. Supporting shipper: Bagdad Copper Corp., Bagdad, Ariz. 86321. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 107295 (Sub-No. 511 TA), filed May 3, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor jacks, floor jack screws, posts, stanchions, anchor bolts and accessories used in the installation thereof*, from the plantsite of Akron Products Co. at Seville, Ohio, to points in Delaware, Maryland, New Jersey, West Virginia, Virginia (except Roanoke, Va.), North Carolina, South Carolina, and the District of Columbia, for 180 days. Supporting shipper: Chester R. Marshall, Vice President, The Akron Products Co., Seville, Ohio 44273. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107882 (Sub-No. 23 TA), filed May 3, 1971. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Russell Parker (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precious metal coils*, from Plainville, Mass., to San Francisco, Calif.; and (2) *precious metal scrap*, from San Francisco, Calif., to Plainville, Mass., and Newark, N.J., for 180 days. Supporting shipper: Englehard Industries Division, Englehard Minerals & Chemicals Corp., 430 Mountain Avenue, Murray Hill, NJ 07974. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 112750 (Sub-No. 281 TA), filed May 3, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Sturgis, Mich., and Fremont, Ohio, for 150 days. Supporting shipper: Financial Computer Services, Inc., 2201 Commerce Drive, Fremont, OH 43420. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 113843 (Sub-No. 169 TA), filed May 3, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Shells (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Chertonton, Va., to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Pennsylvania (except points east of the Susquehanna River), Rhode Island, South Dakota, Vermont, West Virginia, and Wisconsin, for 180 days. Supporting shipper: G. L. Webster Co., Inc., Chertonton, Va. 23316. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Room 2211-B, Government Center, Boston, MA 02203.

No. MC 113974 (Sub-No. 46 TA), filed May 3, 1971. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Post Office Box 67, Dravosburg, PA 15034. Applicant's representative: W. H. Schlottman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials and supplies used in the installation and distribution thereof*, from Buchanan (Westchester County), N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 150 days. Supporting shipper: Georgia-Pacific Corp., 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 211 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 114725 (Sub-No. 48 TA), filed May 3, 1971. Applicant: WYNNE TRANSPORT SERVICE INC., 2606 North 11th Street, Omaha, NE 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible*

animal fat (tallow), from St. Joseph, Mo., to Nebraska City, Nebr., for 150 days. Supporting shipper: I. S. Joseph Co., Flour Exchange Building, Minneapolis, MN 55415. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 117304 (Sub-No. 21 TA), filed May 3, 1971. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street, North, Lewiston, ID 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste or scrap paper, and paper products for recycling and reuse*, from the paper mill of Potlatch Forests, Inc., near Lewiston, Idaho, to points in California, Oregon, and Washington, for 180 days. Supporting shipper: Potlatch Forests, Inc., Lewiston, Idaho 83501. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 117565 (Sub-No. 36 TA), filed May 3, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Post Office Box 417, Co-shocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Utility trailers*, in initial movements, from Oskaloosa, Iowa, to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Ideal Manufacturing Co., 1107 South Seventh Street, Oskaloosa, IA 52577. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Bureau of Operations, Columbus, OH 43215.

No. MC 119619 (Sub-No. 53 TA), filed May 3, 1971. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from St. Paul, Minn., Eau Claire, Portage, and Monroe, Wis., to points in Ohio, Pennsylvania, New Jersey, New York, Maryland, Virginia, West Virginia, Delaware, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and the District of Columbia, for 180 days. Supporting shipper: Armour and Co., 17th Floor, 111 East Wacker Drive, Chicago, IL 60609. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 119908 (Sub-No. 11 TA), filed April 29, 1971. Applicant: WESTERN

LINE, INC., Post Office Box 1145, 3523 McCarty, Houston, TX 77001. Applicant's representative: Paul E. Robertson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Lillie, La., to points in Arkansas, Kansas, Missouri, Mississippi, New Mexico, Oklahoma, and Texas, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Olinkraft, Inc. (H. T. Nichols, Traffic Manager) Post Office Box 488, West Monroe, LA 71291. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 129630 (Sub-No. 1 TA), filed May 3, 1971. Applicant: TANGLEN BROS., INC., Post Office Box 18, Crane, MT 59217. Applicant's representative: Paul H. Cresap, Post Office Box 953, Sidney, MT 59270. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizer*, in bags, or in bulk, from East Fairview, N. Dak., to points in Daniels, Sheridan, Valley, Roosevelt, Garfield, McCone, Richland, Prairie, Dawson, Wibaux, Custer, and Fallon Counties, Mont., for 180 days. Supporting shipper: Clominco American Inc., East Fairview, N. Dak. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 133065 (Sub-No. 15 TA), filed May 1971. Applicant: ECKLEY TRUCKING AND LEASING, INC., Post Office Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salvage rail track, salvage switches, salvage plates, salvage ties, salvage spikes, and related salvage materials*, (1) from storage facilities utilized by A & K Railroad Ties, Inc., at or near Ayer, Wash., and Starbuck, Wash., to jobsites at or near Kremmling, Colo., and Ogden, Utah, and (2) from storage facilities utilized by A & K Railroad Ties, Inc., at or near Billings, Mont., to jobsites at or near Heber City, Utah, under continuing contract with A & K Railroad Ties, Inc., for 180 days. Supporting shipper: Morris Kulmer, General Manager A & K Railroad Ties, Inc., Freeport Center, Clearfield, Utah, 80416. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 133231 (Sub-No. 6 TA), filed April 29, 1971. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, NJ 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Organs, benches, books, and materials, equipment, and supplies used or*

useful in the manufacturing and sale of organs, between the facilities of Magnus Organ Corp., located at Woodbridge and Linden, N.J., on the one hand, and, on the other, Wingdale, N.Y., under contract with Magnus Organ Corp., Linden, N.J., for 150 days. Supporting shipper: Magnus Organ Corp., 1600 West Edgar Road, Linden, NJ 07036. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street Newark, NJ 07102.

No. MC 133231 (Sub-No. 7 TA), filed May 3, 1971. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, NJ 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, varnishes*, except in bulk in tank vehicles, between New Brunswick and Newark, N.J., on the one hand, and, on the other, Morrisville, Pa., and Baltimore, Md., for 150 days. Supporting shipper: Patterson Sargent/Vita-Var. Division of Textron, Post Office Box 494, New Brunswick, NJ. Send protests to: District Supervisor, Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135457 (Sub-No. 1 TA), filed April 29, 1971. Applicant: COMMERCIAL CARTAGE CO., 3900 Reavis Barracks, St. Louis, MO 63125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the plantsite of Williams Brothers Pipe Line Co. at or near St. Charles, Columbia and Palmyra, Mo., to Kansas City, Kans., for 180 days. Supporting shipper: William Brothers Pipe Line Co., Post Office Drawer 3448, Tulsa, OK 74101. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 135524 (Sub-No. 1 TA), filed May 3, 1971. Applicant: G. F. TRUCKING CO., 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing conduit, fittings and accessories*, from Sharon and Wheatland, Pa., to points in Minnesota, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and points in Michigan on and north of U.S. Highway 21, for 180 days. Supporting shippers: Sawhill Tubular Division, Cyclops Corp., Box 11, Sharon, PA 16146; Wheatland Tube Co., Independence Square, Public Ledger Building, Philadelphia, PA 19106. Send protests to: District Supervisor G. J. Bacci, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 135548 TA, filed April 29, 1971. Applicant: J. C. CROW, Route 2, Box 65, Russellville, AR 72801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, in bags, and in bulk; and (2) *Calcium carbonate*, in bags, from Memphis, Tenn., to points in Arkansas, for 180 days. Supporting shippers: Cargill Nutrena Feed Division, Center Valley Road, Highway 124, Russellville, AR 72801; Double H Farm, Inc., Box 72, Centerville, AR 72829. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135549 TA, filed April 29, 1971. Applicant: BERNIE'S TRUCKING CO., INC., 310 North 32d Street, Philadelphia, PA 19104. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and pipe fittings*, between the facilities of Capitol Pipe & Steel Products, Inc., at Lewes, Del., on the one hand, and, on the other, Philadelphia and Williamsport, Pa., the New York, N.Y., commercial zone as defined by the Commission, and Newark, and Somerville, N.J., for 180 days. Supporting shipper: Capitol Pipe & Steel Products, Inc., 301 City Line Avenue, Bala-Cynwyd, PA 19004. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-6824 Filed 5-14-71; 8:49 am]

[Notice 294]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 11, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must

consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20916 (Sub-No. 9 TA), filed May 5, 1971. Applicant: JOHN T. SISK, Route 2, Box 182B, Culpeper, VA 22701. Applicant's representative: Frank B. Hand, Jr., 740 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Richmond, Va., to Spring Grove, Pa., for 150 days. Supporting shipper: Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 47791 (Sub-No. 2 TA), filed May 5, 1971. Applicant: HAMILTON TRUCKING COMPANY, INC., 106 Carpenter Street, Blossburg, PA 16912. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Tioga County, Pa., to points in New York, for 150 days. Supporting shipper: Jones & Brague Mining Co., Blossburg, Pa. 16912. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 59640 (Sub-No. 22 TA), filed May 5, 1971. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery, and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, for the account of Supermarkets General Corp., from Parkersburg, Pa., to Woodbridge Township, N.J., for 150 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, NJ 07016. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 111729 (Sub-No. 317 TA), filed May 3, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds*, and *advertising material mov-*

ing therewith, (a) between Litchfield, Mich., on the one hand, and, on the other, Edgerton and Edon, Ohio, and Fremont, Ind.; (b) between Litchfield, Mich., on the one hand, and, on the other, the port of entry on the United States-Canada boundary line located at or near Detroit, Mich.; (c) between Minneapolis, Minn., on the one hand, and, on the other, points in Lincoln, Rock, and Washington Counties, Wis.; (d) between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Hamilton Square and Trenton, N.J., on traffic having an immediately prior or subsequent movement by air; (e) between La Guardia Airport, N.Y., on the one hand, and, on the other, Trumbull, Conn., on traffic having an immediately prior or subsequent movement by air; (f) between Great Neck, N.Y., on the one hand, and, on the other, Beltsville, Md., Carbondale, Pa., and Nashua, N.H.; (2) *Small production machine repair parts* restricted against the transportation of packages or articles weighing in the aggregate more than 95 pounds from one consignor to one consignee on any one day, (a) between Litchfield, Mich., on the one hand, and, on the other, Edgerton and Edon, Ohio, and Fremont, Ind.; (b) between Litchfield, Mich., on the one hand, and, on the other, the port of entry on the United States-Canada boundary line located at or near Detroit, Mich.;

(3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Hamilton Square and Trenton, N.J., on traffic having an immediately prior or subsequent movement by air; (b) between La Guardia Airport, N.Y., on the one hand, and, on the other, Trumbull, Conn., on traffic having an immediately prior or subsequent movement by air; (4) *Proofs, cuts, copy, advertising poster material, and material related thereto*, restricted to traffic having an immediately prior or subsequent movement by air, (a) between South Bend, Ind., on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 55; (b) between South Bend, Ind., on the one hand, and, on the other, points in Indiana; (c) between South Bend, Ind., on the one hand, and, on the other, points in Cook, Du Page, Lake, and Will Counties, Ill.; (5) *Small parts used in the manufacture of kitchen cabinets*, restricted to the transportation of packages or articles weighing in the aggregate less than 100 pounds from one consignor to one consignee on any one day, between Great Neck, N.Y., on the one hand, and, on the other, Beltsville, Md., Carbondale, Pa., and Nashua, N.H.; (6) *Computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate

more than 100 pounds from one consignee on any one day, between Des Moines, Iowa, on the one hand, and, on the other, points in Iowa and Nebraska, having an immediately prior or subsequent movement by air;

(7) *Small replacement and repair parts for tractors, farm machinery and industrial, and material handling equipment*, restricted to articles or packages weighing in the aggregate more than 100 pounds from one consignee to one consignee on any one day, (a) between Troy, Mich., on the one hand, and, on the other, points in Indiana; Ohio and points in Kentucky on and east of Interstate Highway 65, (b) between Troy, Mich., on the one hand, and, on the other, Bloomington, Caledonia, Danville, Des Plaines, Dundee, Evanston, Matteno, Mattoon, Mendota, Milford, Mokena, Monee, Onarga, Orland Park, Ottawa, Pontiac, Thomasboro, Warrensville, and Waukegan, Ill., (c) between Troy, Mich., on the one hand, and, on the other, Cameron, Huntington, Parkersburg, St. Albans, and Wheeling, W. Va., (d) between Troy, Mich., on the one hand, and, on the other, points in Allegheny, Armstrong, Butler, Cambria, Crawford, Erie, Fayette, Greene, Indiana, Mercer, Somerset, and Washington Counties, Pa.; and (8) *Ophthalmic goods and business papers and records moving therewith*, (a) between Jacksonville, Tampa, Miami, and Orlando, Fla., on the one hand, and, on the other, Jacksonville, Tampa, St. Petersburg, West Palm Beach, Sarasota, North Miami Beach, and Orlando, Fla., on traffic having a prior or subsequent movement by air and (b) between Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shippers: Triangle Pacific Cabinets, Inc., 9 Park Place, Great Neck, NY 11021; International Business Machines, 5075 Wayzata Boulevard, Minneapolis, MN 55416; Simpson Industries, Inc., Litchfield, Mich. 49252; Salkin & Linoff, Inc., 7400 Excelsior Boulevard, Minneapolis, MN 55426; Photo Service, Inc., 933 Meadow Gold Lane, Cincinnati, OH 45203; Graphic Arts Market Place, Inc., 2617 South Michigan Street, South Bend, IN 46613; Ford Motor Co., The American Road, Dearborn, MI 48121, and American Optical Corp., Southbridge, Mass. 01550. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112016 (Sub-No. 7 TA) (Correction), filed April 22, 1971, and published FEDERAL REGISTER issue May 4, 1971, and republished in part as corrected this issue. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Note: The purpose of this partial republication is to include the State of Indiana as a destination point,

which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 113843 (Sub-No. 168 TA), filed May 3, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from Chelsea, Mich., to Baltimore, Landover, and Hagerstown, Md., Norfolk, Richmond, and Salem, Va., Benning and Washington, D.C., for 180 days. Supporting shipper: Chelsea Milling Co., Chelsea, Mich. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, J. F. K. Federal Building, Room 2211-B Government Center, Boston, MA 02203.

No. MC 117765 (Sub-No. 122 TA), filed May 3, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal products*, from the plant site of Cupples Co., Salem, Mo., to points in Oklahoma, for 150 days. Supporting shipper: Bill Schraad, Schraad and Associates, 4515 North Santa Fe, Oklahoma City, OK 73118. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117815 (Sub-No. 172) (Correction), filed April 12, 1971, published FEDERAL REGISTER issue April 21, 1971, and republished in part as corrected this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Note: The purpose of this partial republication is to include the State of Missouri as a destination point which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 135494 (Sub-No. 1 TA), filed May 3, 1971. Applicant: L. E. BARNES, doing business as L. E. BARNES DISTRIBUTING CO., 1304 Sixth Avenue, Post Office Box 386, Safford, AZ 85546. Applicant's representative: A. Michael Bernstein, Suite 1327, United Bank Building, 3550 North Central Avenue, Phoenix, AZ 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bottle and canned beer and alcoholic beverages*, in vehicles equipped with mechanical refrigeration, from San Francisco, Fresno, and Los Angeles, Calif., to the warehouse facility of Pueblo Sales, Inc. located in Tucson, Ariz., (2) *Alcoholic beverages*, from St. Louis, Mo., and Frankfort, Ky., to the warehouse facility of Pueblo Sales, Inc. located in

Tucson, Ariz., for 180 days. Supporting shipper: Pueblo Sales, Inc., 3400 East 34th Street, Tucson, AZ 85713. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 135558 TA, filed May 3, 1971. Applicant: GRIMMER TRANSFER AND STORAGE, INC., 127 East Augusta Avenue, Spokane, WA 99205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, having a prior or subsequent movement, between points in Spokane County, Wash., for 180 days. Note: Applicant states it will interline with other carriers at Spokane, Wash. Supporting shippers: Mollerup Freight Forwarding Co., 2900 South Maine Street, Salt Lake City, UT 84115; American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98109. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

MOTOR CARRIER OF PASSENGERS

No. MC 134361 (Sub-No. 2 TA), filed May 3, 1971. Applicant: WILDERNESS BOUND LTD., Rural Delivery 1, Box 365, Highland, NY 12528. Applicant's representative: John J. Brady, 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, youth groups composed of persons between the ages of 14 and 17 inclusive accompanied by chaperons, in vehicles with capacity not exceeding 11 passengers, not including the driver, in special round trip camping tours from June 15, 1971, to September 1, 1971, beginning and ending in Poughkeepsie, Dutchess County, N.Y., and extending to points in New York, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Nebraska, Colorado, Utah, Nevada, California, Oregon, Washington, Idaho, and Wyoming. The *baggage* of said persons and camping and mountain climbing equipment provided by applicant will be transported in trailers hitched to the vehicles used to transport the passengers, for 79 days. Supporting shippers: Mrs. Fusaye Nagasaki, 3 Larch Drive, Hyde Park, NY; Thomas Scheuer, 174 Wood Hollow Lane, New Rochelle, NY; Melvin Stier, 64 Mill-Rock Road, New Paltz, NY; William T. Dean, Rural Delivery 1, Box 365, Highland, NY; Martin Leyton, 34 Bradford Road, Scarsdale, NY; Mrs. Guy Preuss, Route 9, Hyde Park, NY; Donald Fainberg, Roscoe, NY; Mrs. John Munschauer, 105 Comstock Road, Ithaca, NY; John F. Hoffert, Mountain View Road, Staatsburg, NY. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, NY 12207.

No. MC 134410 (Sub-No. 2 TA), filed May 3, 1971. Applicant: INTERNATIONALE BEGEGNUNGSFAHRTEN, doing

business as ROTEL TOURS (Tittling, Germany), c/o Karl Hardach Travel Service, 500 Fifth Avenue, Room 3622, New York, NY 10036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in the same vehicle in special operations, beginning and ending in New York, N.Y., extending to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Internationale Begegnungsfahrten, Tittling, Germany, c/o Karl Hardach Travel Service, 500 Fifth Avenue, Room 3622, New York, NY 10036. SEND PROTESTS TO: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 135354 (Sub-No. 1 TA), filed May 5, 1971. Applicant: STATESVILLE

MOTOR COACH CO., INC., 109 Winston Avenue, Statesville, NC 28677. Applicant's representative: C. Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations; (1) from points in Iredell County, N.C., to points in Florida, Georgia, South Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, and points in Maryland, within 20 miles of the District of Columbia; and (2) from points in North Carolina (other than those in Iredell County), to the District of Columbia and points in Maryland, within 20 miles of the District of Columbia, and return from the destinations specified to the origins specified, for 180 days. Supporting shippers: North Carolina State University, County Extension

Office, Raleigh, N.C. (S/Wayne Smith); North Carolina State University, County Extension Office, Raleigh, N.C. (S/Jas. Weaver); Statesville City Schools, Statesville, N.C.; Statesville Grenadier Band Fans, Inc., Statesville, N.C.; Mitchell College, Statesville, N.C.; United Steelworkers of America, Local 6512, Statesville, N.C.; Mooresville High School, Mooresville, N.C.; Iredell County Republican Party, Statesville, N.C.; Mrs. T. Frank Parlier, 543 Saint Cloud Drive, Statesville, NC. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6825 Filed 5-14-71;8:50 am]

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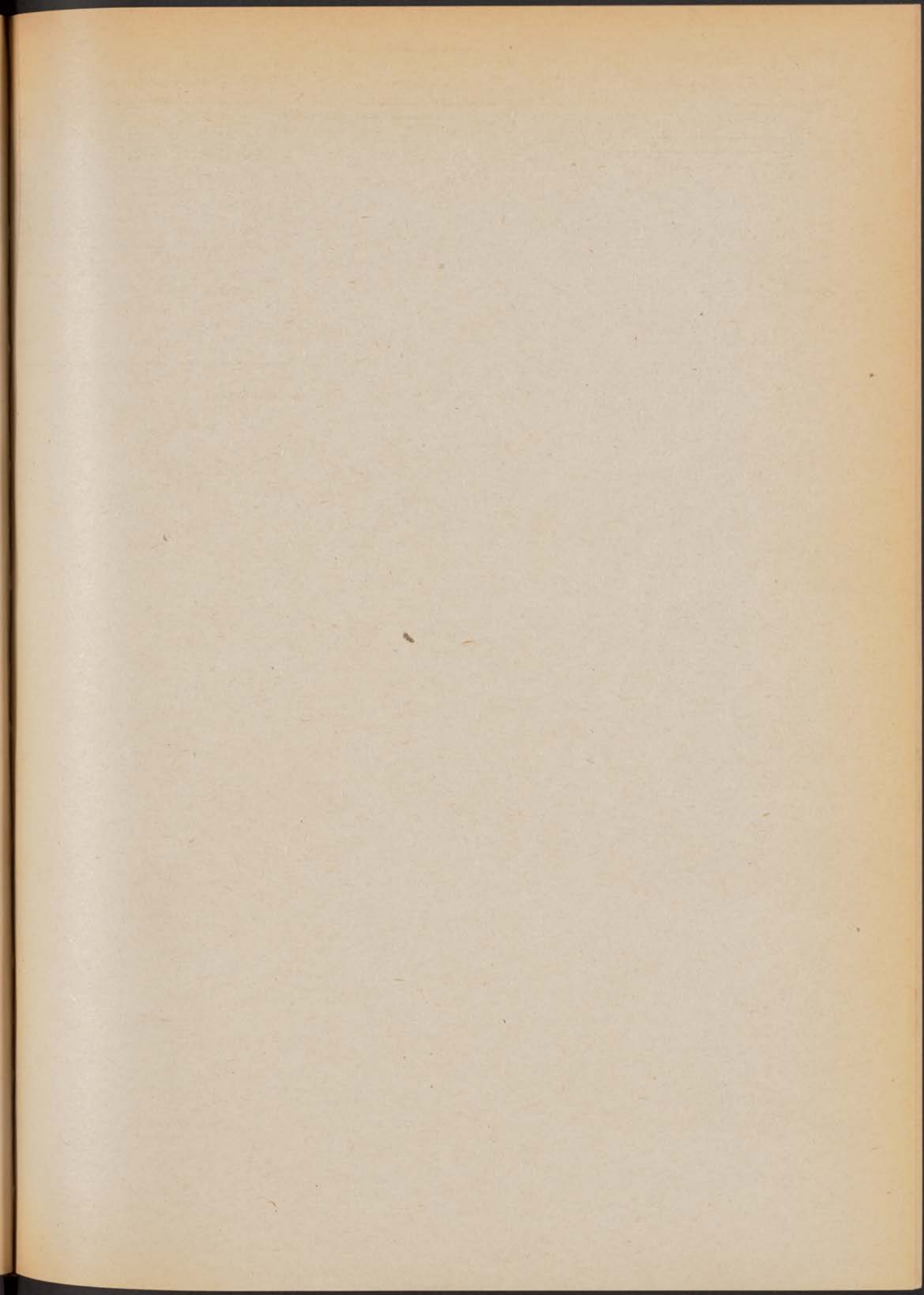
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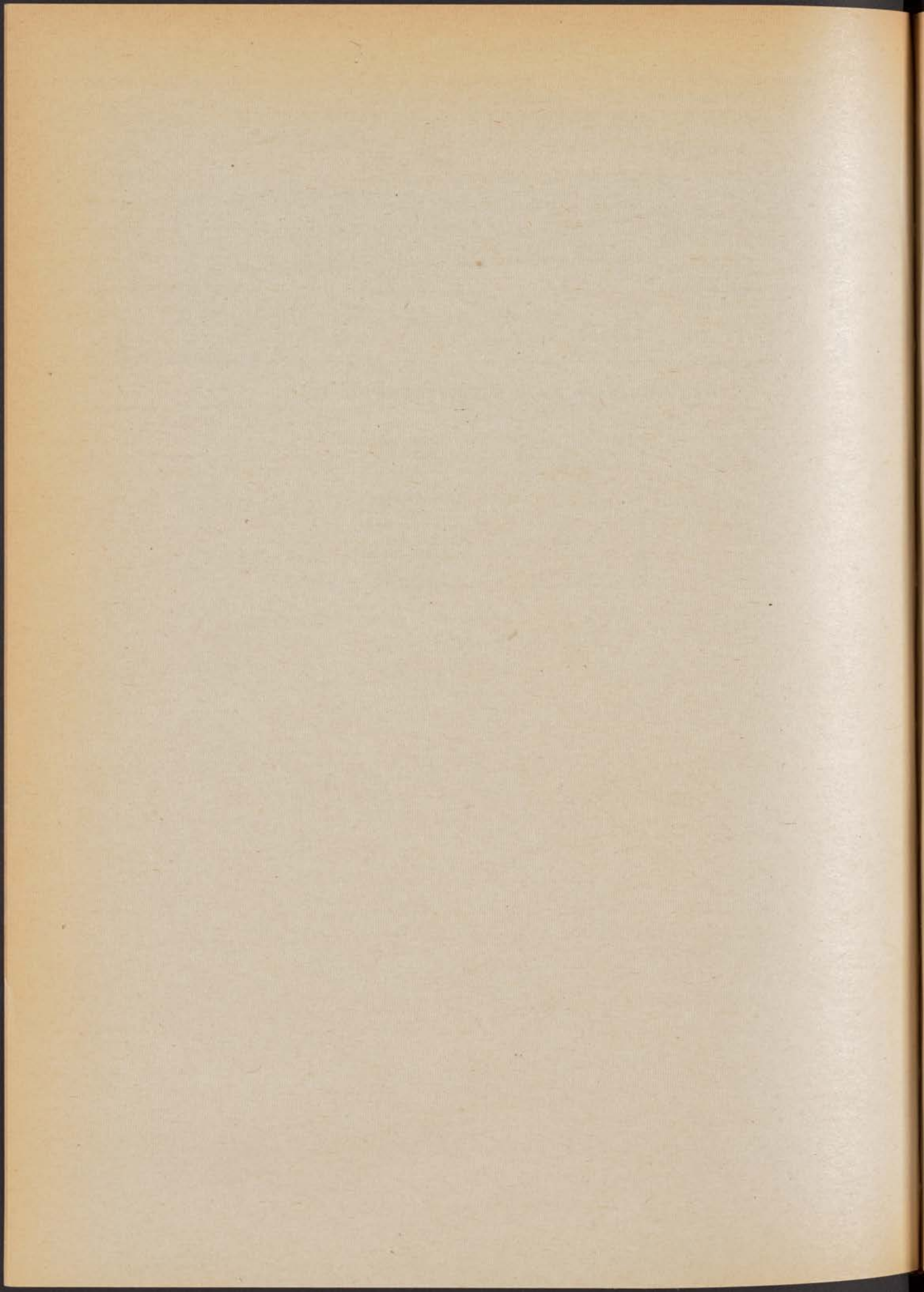
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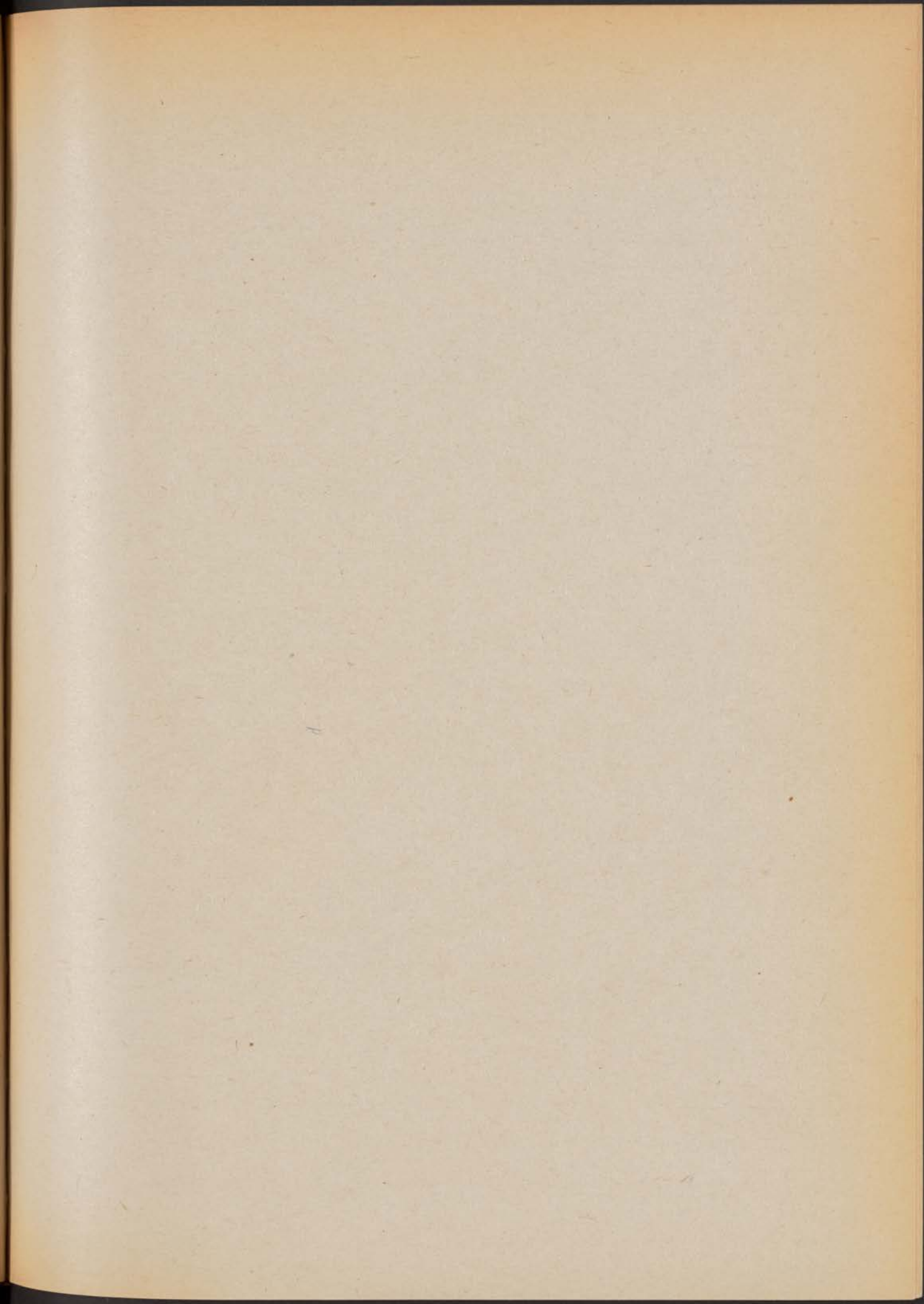
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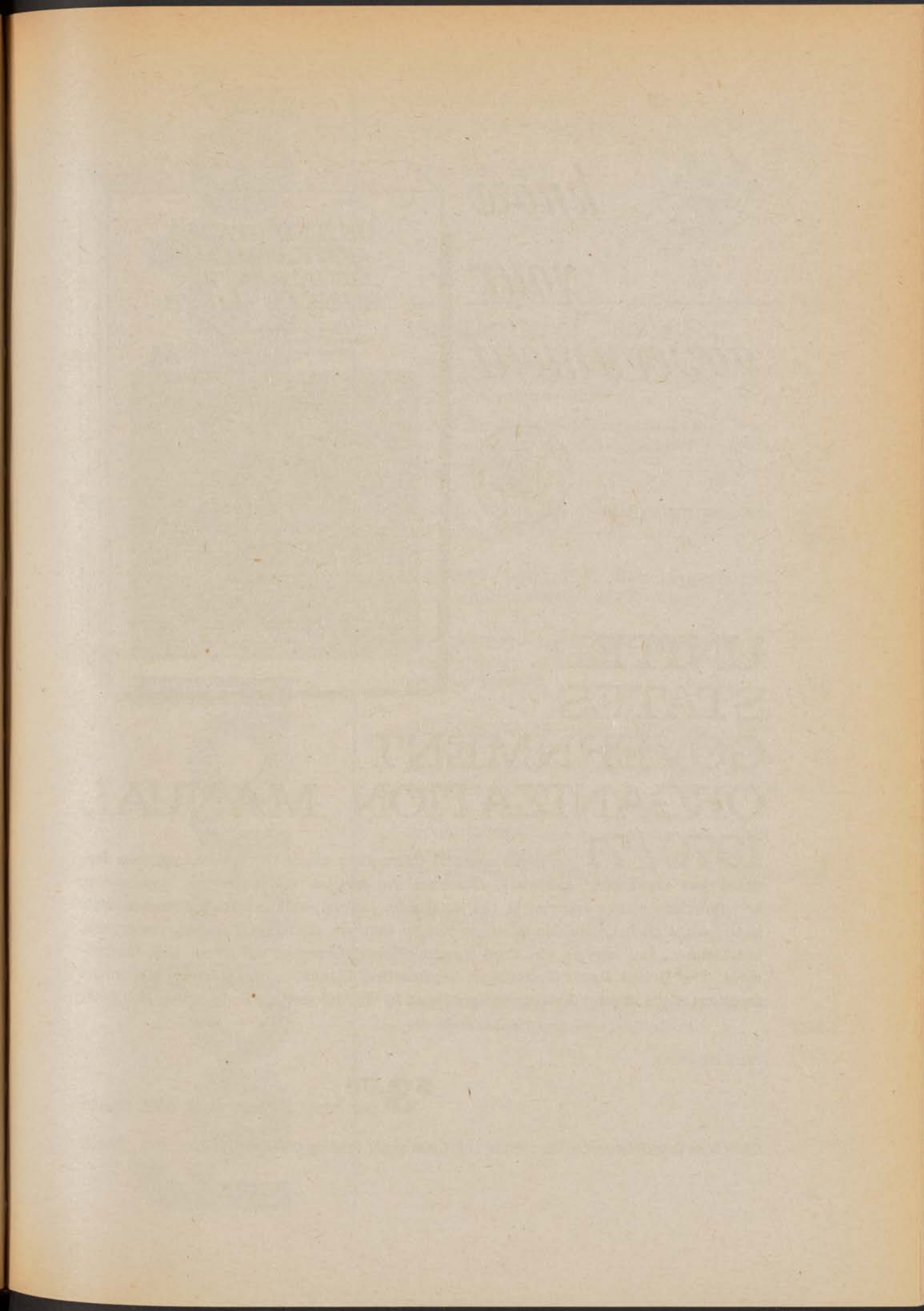
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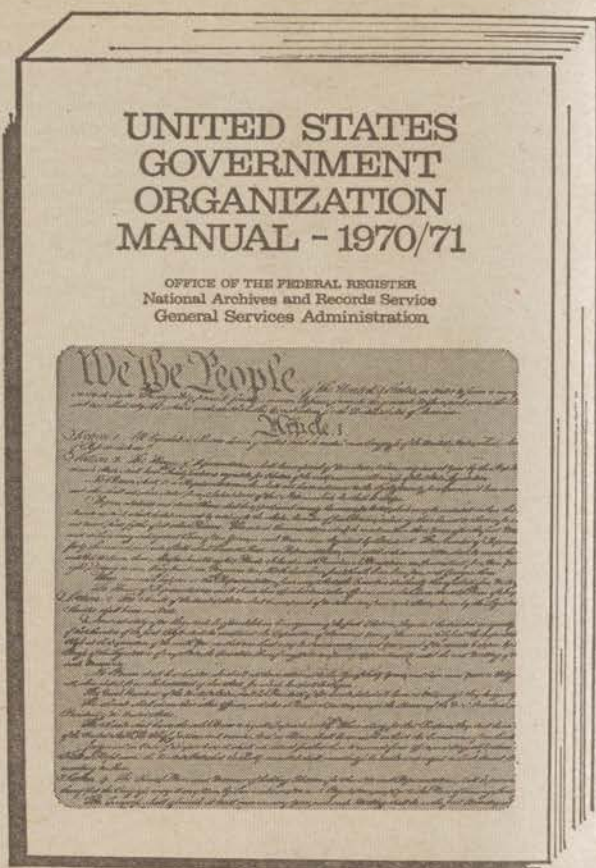


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